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**PETITION TO ACCEPT UNAVOIDABLY DELAYED PAYMENT OF  
MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(b))**

Docket Number (Optional)

xAPS 05

JUN 15 2007

OFFICE OF PETITIONS

Mail to: Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Fax: (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

Patent No. 5,467,122 Application Number 08/046,335

Issue Date November 14, 1995 Filing Date April 12, 1993

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number (or reissue patent number, if a reissue) and (2) the application number of the actual U.S. application (or reissue application) leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.386(c) and (d).

**Also complete the following information, if applicable**

The above-identified patent:

☐ is a reissue of original Patent No. \_\_\_\_\_ original issue date \_\_\_\_\_;  
original application number \_\_\_\_\_;  
original filing date \_\_\_\_\_.

☐ resulted from the entry into the U.S. under 35 U.S.C. 371 of international  
application \_\_\_\_\_ filed on \_\_\_\_\_.

**CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is  
(1) being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 OR  
(2) transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

June 5, 2007

Date

Peter I. Lippman  
signature

Typed or printed name of person signing Certificate

06/07/PAT MRLANCO 00000007 5467122

01 FC:1599

3815.00 OF

[Page 1 of 4]

This collection of information is required by 37 CFR 1.378(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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## OFFICE OF PETITIONS

PTO/SB/65 (10-05)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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## 1. SMALL ENTITY

☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

## 2. LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g).

## 3. MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition, unless it was paid earlier.

NOT Small Entity			Small Entity		
Amount	Fee	(Code)	Amount	Fee	(Code)
<input type="checkbox"/> \$ _____	3 1/2 yr fee	(1551)	<input type="checkbox"/> \$ _____	3 1/2 yr fee	(2551)
<input type="checkbox"/> \$ _____	7 1/2 yr fee	(1552)	<input checked="" type="checkbox"/> \$ <u>1,150</u>	7 1/2 yr fee	(2552)
<input type="checkbox"/> \$ _____	11 1/2 yr fee	(1553)	<input checked="" type="checkbox"/> \$ <u>1,900</u>	11 1/2 yr fee	(2553)w/\$65 surchg.

MAINTENANCE FEE BEING SUBMITTED \$ 3,115

## 4. SURCHARGE

The surcharge required by 37 CFR 1.20(i)(1) of \$ 700 (Fee Code 1557) must be paid as a condition of accepting unavoidably delayed payment of the maintenance fee.SURCHARGE FEE BEING SUBMITTED \$ 700

## 5. MANNER OF PAYMENT

☒ Enclosed is a check for the sum of \$ 3,815☐ Please charge Deposit Account No. \_\_\_\_\_, the sum of \$ \_\_\_\_\_. A duplicate copy of this authorization is attached.☐ Payment by credit card. Form PTO-2038 is attached.

## 6. AUTHORIZATION TO CHARGE ANY FEE DEFICIENCY

☒ The Director is hereby authorized to charge any maintenance fee, surcharge or petition fee deficiency to Deposit Account No. 12-1639. A duplicate copy of this authorization is attached.

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## 7. OVERPAYMENT

As to any overpayment made please

☒ Credit to Deposit Account No. 12-1639

OR

☐ Send refund check.

## WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

## 8. SHOWING

The enclosed statement will show that the delay in timely payment of the maintenance fee was unavoidable since reasonable care was taken to ensure that the maintenance fee would be paid timely and that this petition is being filed promptly after the patentee was notified of, or otherwise became aware of, the expiration of the patent. The statement must enumerate the steps taken to ensure timely payment of the maintenance fee, the date and the manner in which the patentee became aware of the expiration of the patent, and the steps taken to file the petition promptly.

## 9. PETITIONER(S) REQUESTS THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED.

*Peter I. Lippman* Signature(s) of Petitioner(s) June 5, 2007 Date

Peter I. Lippman; John McLean (for assignee) Lippman: 22,835

17900 Mockingbird Drive Typed or printed name(s) Registration Number, if applicable

Reno NV 89506 Address 775/677-8822 Telephone Number

Address

## ENCLOSURES:

- ☒ Maintenance Fee payment
- ☒ Statement why maintenance fee was not paid timely
- ☒ Surcharge under 37 CFR 1.20(i)(1) (fee for filing the maintenance fee petition)
- ☒ Other: Exhibits A through O -- per section 2 of the attached
- "Additional Sheets" showing unavoidable delay.

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PTO/SB/65 (10-05)

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37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

  
Signature  
Peter F. Lippman; John McLean (for assignee)

June 5, 2007

Date

Lippman: 22,835

Typed or printed name

Registration Number, if applicable

STATEMENT

(In the space below, please provide the showing of unavoidable delay recited in paragraph 8 above.)

Petitioners respectfully ask that this Petition be granted and that the accompanying unavoidably delayed maintenance fee, and the current maintenance fee, and surcharges for both, be accepted, and the patent reinstated. Unavoidable delay in payment has been due to the Petitioners' having received no message stating, and being not aware, that a previous Petition (filed in March 2004, for acceptance of unintentionally delayed maintenance fee) was dismissed.

The Petitioners now know that the U. S. Patent & Trademark Office (hereinafter "PTO") mailed a Dismissal document to Petitioner Lippman in July 2005; however, that paper was misaddressed to a long-obsolete address and therefore never received.

Not until April 2007 did the Petitioners receive a message with notice of such Dismissal or its details, as will be proved below.

Full details of that previous Petition and of related circumstances are set forth below and in the attached "Additional Sheets".

Petitioners first became aware that this patent was not currently in force on March 21, 2007 when [CONTINUED ON ADDITIONAL SHEETS]

(Please attach additional sheets if additional space is needed)



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JUN 15 2007

OFFICE OF PETITIONS

**"ADDITIONAL SHEETS" OF THE  
SHOWING PURSUANT TO PARAGRAPH 8 OF THE PETITION**

[STATEMENT, CONTINUED] Petitioner Lippman routinely checked his own docket calendar and saw that the 11½-year maintenance fee appeared to be due in May. Upon then looking in the PTO website to determine the amount of the fee, however, Petitioner Lippman was shocked to see that the website indicated the patent was expired.

Below are, in section 1 and sections 3 through 7, a first analysis based upon proximate cause; and in sections 8 through 14 a second analysis based upon a full chronology — both showing why Mr. Lippman had believed in good faith that the patent was in effect or the 2004 Petition still pending.

1. Analysis based upon proximate cause: The Petitioners in 2003 and 2004 communicated with the PTO in good faith, attempting to maintain the subject patent — but until late last month received no message stating that their communications had failed. Until then they also were not able to obtain a statement of the reason for failure of their 2004 communication.

From a reading of the now-available 2005 Dismissal, Petitioner Lippman believes that the document appears to invite a reply (within two months) curing a defect stated in the Dismissal. That defect appears to be, in its entirety, failure to successfully provide the necessary fees.

The document also appears to suggest (although it is not absolutely explicit) that a reply within that interval, with the necessary fees, would result in acceptance of the delayed fees and reinstatement of the patent — notwithstanding any and all previous delays.

The Petitioners respectfully submit that their delay in responding to the 2005 Dismissal document was unavoidable, be-

cause the mailed original of it was never received — and a facsimile copy was received only on April 27, 2007. Accordingly the delay in now making payment was likewise unavoidable.

For proof that the document was never received, Petitioners offer two main facts, fully supported in this Petition:

- Mr. Lippman's docket system demonstrates that the document was never available to calendar for reply (for details please refer to sections 3 through 6, below); and
- the Dismissal document on its face is misaddressed to a very old address (please see section 7, below) — at a time when a substantially correct address was in the PTO's file of this case.

The Petitioners first digress here to explain the relatively brief delay from March 21, 2007 to the present filing:

On March 21 when Petitioner Lippman discovered that the patent was expired, and when he saw in PAIR that a Dismissal had been mailed in 2005, he immediately telephoned the Petitions Office to determine the reason for dismissal. He spoke with Mr. Paul Janoski, then of that Office, who said that this case had a paper (rather than image) file wrapper and that it could be necessary to order that wrapper from archival storage; Mr. Janoski also said that he would send an e-mail message "to a contractor", requesting that a copy of the Dismissal be "remailed" to Mr. Lippman; and that this would probably take three or four weeks.

After waiting about three weeks, Petitioner Lippman inquired further (several times) and in due course was informed that the file had been returned to storage. He also was advised to take up the matter with Paralegal Liana (Chase) Walsh, who had written the Dismissal. Mr. Lippman was not at first able to reach Ms. Walsh, but after further effort did speak with her: she kindly said that she would send a copy of the document by facsimile, from her computer, right away.

Mr. Lippman asked that she wait a couple of hours, because his facsimile-receiving equipment was at that moment being repaired; and Ms. Walsh proposed to instead wait until the following day. Unfortun-

nately the document was not transmitted for almost two weeks, notwithstanding almost daily phone reminders.

The purpose of mentioning the time details, in the discussion above, is not to find fault. It is only to explain the unavoidable delay, from March 21, 2007 to April 27, 2007 in Petitioners' obtaining the Dismissal document so that they could determine its detailed nature, and so be able to respond to it. Since April 27, Petitioners have worked diligently to prepare this Petition.

This basic discussion continues in section 3 of these "Additional Sheets", following the List of Exhibits that appears as section 2 here:

2. List of fifteen Exhibits appended  
after the last signature page of these "Additional Sheets":
- A) copies of four docket-sheet printouts (total 13 pages) for July and August 2005, showing nonreceipt of any Dismissal document in this case (docket "xAA-05"), mailed by the PTO in July 2005;
  - B) a copy of that July 2005 item (Dismissal of a 2004 Petition);
  - C) Petitioner Lippman's docket sheet for this specific case;
  - D) Declaration of Mrs. Holly Aguilera;
  - E) a copy of a relevant page of the PTO's June 2006 spreadsheet confirming entry of this case (column 2, line 2) into PAIR;
  - F) a copy of Mr. Lippman's July 10, 2004 correct change-of-address notice to the PTO;
  - G) a copy of a substantially correct (partially faulty) address-change acknowledgment (with its listing in the PAIR "Image File Wrapper" section, showing "mail room date" December 14, 2004);
  - H) a copy of a current Request for Data Correction, filed on the recommendation of Ms. April Wise in the Petitions Office;

- I) August and September 2004 documents (in unrelated cases) correctly mailed by the PTO directly to Mr. Lippman's new address;
- J) Declaration of John W. McLean, Ph. D.;
- K) a 2003 e-mail exchange between Mrs. Aguilera and Dr. McLean;
- L) for comparison as discussed in the present Petition, a copy of a 1999 coverletter used in paying the 3½-year fee;
- M) coverletter drafted November 6, 2003 — used in attempting to timely file the 7½-year fee with six-month surcharge;
- N) March 2, 2004 Petition to Accept Unintentionally Delayed Payment; and
- O) coverletter which accompanied that Petition.

3. The July 15, 2005 Dismissal was never entered in Petitioner Lippman's calendar, for response — while other contemporaneous documents were entered: Petitioner Lippman hereby states under penalty of perjury that the attached Exhibit A is a true and accurate photocopy of his four available docket-calendar printouts, totaling thirteen pages, covering the period from July 15 through September 15, 2005.

The calendar printouts were made in 2005 on:

- July 25 (6 pages) — Exhibit A, pages 1 through 6
- Aug. 16 (3 pages) — Exhibit A, pages 7 through 8
- Aug. 25 (4 pages) — Exhibit A, pages 9 through 12
- Sep. 13 (1 page) — Exhibit A, page 13.

For purposes of this Petition, each of these docket-calendar printouts has now been annotated. With the annotations, these four printouts are intended to be self explanatory. Each of the printouts begins with a "key" which is part of the original printing, but a rectangular box has now been drawn around



the key. Each key shows that a printout can have up to six sections, each containing deadline dates of a respective type:

- A. statutory (not extendable) within 30 days
- B. extendable within 30 days
- C. internal, within 7 days
- D. statutory (not extendable) more than 30 days away
- E. extendable, more than 30 days away
- F. internal, more than 7 days away.

In the annotations of these printouts, the designations "month" and "30 days" are used interchangeably. Below the key, in the body of the tabulation, boxes have now been drawn around the section headings too.

Each one of these four Exhibit A printouts includes PTO "deadline DATES" (now marked in large, bold lettering) occurring in the particular time period for permitted response to the Dismissal. Though the Dismissal sets a two-month nonextendable reply period, a thorough search of these sheets could look for a September 15 deadline in each of the six categories — i. e., for each of two intervals: statutory/nonextendable, or nonstatutory (most-typically extendable); or internal.

At the time of each printout, the calendar program automatically sorts the database to produce these categories and format them as shown in Exhibit A. It is Petitioner Lippman's office procedure to print the entire database roughly once a month, and (between those printings) just the first three sections, sections A through C, roughly once a week.

These facts make clear that a systematic docket system was being diligently, professionally maintained and followed. Further detailed proof of the existence and diligent use of that system appears below in sections 4 and 5 of these "Additional Sheets". Those sections are supported by the Declarations of Mrs. Holly Aguilera and Dr. John McLean, Ph. D. — presented as

the attached Exhibits D and J (following the signature page of these "Additional Sheets").

Within Exhibit A, boxes have also been drawn around groups of deadlines that bracket the September 15 deadline for reply to the Dismissal document — or actually fell on that date it-self. In addition to the boxes, marginal annotations call attention to those entries which are on or near that deadline.

Such deadlines appear in Exhibit A on e. g.:

page 3,  
pages 5 and 6,  
pages 8 through 11, and  
page 13 (two groups).

Yet Exhibit A contains no deadline for reply to the Dismissal at any date on or before September 15 — or in fact anywhere at all in the Exhibit. Petitioners respectfully submit that if the Dismissal had been received, its deadline would appear in Exhibit A, ideally in a nonextendable grouping.

Petitioner Lippman adds, still under penalty of perjury, that despite reasonable search he has found no evidence whatsoever that the mailed Dismissal ever arrived.

Petitioner Lippman likewise further states under penalty of perjury that beyond any question whatever, had he received that Dismissal document within the two-month period stated for permissible response, he would have promptly, timely and fully responded — including enclosure of the relevant fees.

Given these statements, if the above-stated understanding of the import of the Dismissal document is correct, the reason for delayed payment beyond September 2005 is that neither the mailed Dismissal nor any other message telling the Petitioners of maintenance fee nonpayment for this patent ever arrived (until April 27, 2007) — not by mail, not by FAX, not by e-mail, and not by telephone.

4. Reasonable care in DESIGN AND OPERATION of the DOCKET-  
ING SYSTEM: In about 1990, Petitioner Lippman designed, programmed and put into service a computerized docket calendar for all his PTO and related deadlines. Since then he has maintained that system in operation. That calendar program runs in a "PC"-type computer under dBaseIII+ — but was an outgrowth of a previous system that he had programmed and operated for several years in the operating system of a Wang Word Processor.

Initially he also used a parallel docket system that was entirely manual. The computerized one, however, proved so reliable that that manual "shadow calendar" was very soon taken out of use. (This last fact in no way contributed to the delay in maintenance-fee payment in the present case, since the Dismissal document never arrived to be entered into any calendar.)

Since at least 1990 each member of Petitioner Lippman's office staff — most commonly one person at a time, denominated a "clerk" — has learned to use his dBaseIII+ calendar program. From time to time the program has been revised to facilitate some of the changes in PTO rules and practice, but such changes have not really been necessary since personnel know how to enter and retrieve information using the original program.

When the subject patent 5,467,122 was coming up for its 2003 maintenance fee, Petitioner Lippman's clerk was Mrs. Holly Aguilera, who was very familiar with the docket program and with all of Petitioner Lippman's patent matters. She had been employed continuously in the same capacity for about seven years, i. e. since 1996 — and had previously served as assistant clerk for several months in 1993.

As she became proficient in operations of the office, she and Mr. Lippman often checked each other's work, especially as to functions which they both knew were susceptible to residual

errors. Over time, such a final check was found to be needed less and less often, as Mrs. Aguilera became progressively better aware of the more-common "traps for the unwary".

In particular Mrs. Aguilera was thoroughly acquainted and familiar with the procedures for paying maintenance fees.

5. Reasonable care in ENTRY of the patent INTO THE DOC-

KETING SYSTEM: When the subject patent was issued, it was promptly entered into the above-described calendar program. In fact, Attached Exhibit C shows a printed docket sheet that the program created automatically (after requesting manual entry of the patent number, serial number, and filing and issue dates). It was later manually mounted in the case file for this patent.

As the Exhibit shows, the relevant dates were printed for the then-expected entire life of the patent, including both the half-year deadlines and the full-year deadlines — and also including "flag" or "warning" entries alerting Petitioner Lippman and his staff, roughly a month before each deadline.

Petitioner Lippman's office procedure calls for keeping the docket sheet in the three-panel case file, at the top of the central "PTO correspondence" panel (*i. e.*, above all the other papers mounted on that panel). Whenever anyone opens the file, the docket sheet therefore appears conspicuously, showing the status of all unresolved deadlines.

This docket sheet of Exhibit C is for an issued patent, and accordingly shows only maintenance-fee deadlines. For cases still in prosecution (or not yet in prosecution), the docket sheets instead show deadlines for reply to Official Actions, foreign filings, statutory bars etc.

The order of entries in the docket sheet may seem curious. That order, however, arises systematically from the way in

which the entries are initially generated, before the overall docket-calendar file is sorted with new entries in it.

Six of the entries in the sheet appear crossed off, in ink, by hand. Those marks reflect the fact that the PTO had been authorized to take the 2003 maintenance fee from a deposit account (as more fully detailed below) — and that the remittance was considered, in good faith, to have been made timely.

In summary, the subject patent was entered into the docket system in 1995, and a resulting docket sheet was mounted in the file folder. Petitioner Lippman attests that the docket sheet appeared in that folder, mounted to the panel reserved for PTO communications and docket sheets; and also that, as the November 14, 2003 maintenance-fee four-year deadline approached, the docket sheet was being correctly used.

The careful and professional manner of docket-system use in Mr. Lippman's office is further evidenced by Exhibit D, the Declaration of Mrs. Holly Aguilera — and particularly by paragraphs 1, 4 through 7, 12 and 13 of that Exhibit.

6. Reasonable care in keeping the PTO informed of Petitioner Lippman's address: On June 9, 2004 Petitioner Lippman received from the PTO by e-mail a spreadsheet confirming entry of his cases into the PAIR system. Page 4 of the spreadsheet (showing the subject patent as the second item in the second column) appears as Exhibit E. It shows Mr. Lippman's then-correct address in Montrose, California. That was not a new address; rather, he had been there for nineteen years.

PAIR records for the subject patent show that date, June 9, 2004, as the date of a "Correspondence Address Change". As the foregoing paragraph makes clear, however, that characterization is not entirely accurate. That is to say, there was not

any actual change of address shown by that June document; rather Exhibit E only confirmed receipt, in the PTO Electronic Business Center, of the spreadsheet data (identification of cases) from Mr. Lippman.

On July 10, 2004, after moving away from California, Mr. Lippman responded to that posted spreadsheet by filing a notice of his address change — also appended to this Petition, as Exhibit F. Please note that it correctly states his new address in Reno, Nevada — on Mockingbird Drive (not "Lane").

The PTO response to that notice, however, is faulty. As seen in Exhibit G, the PTO's December 14, 2004 "Change of Address" wrongly states his street suffix as "Lane". (That error is presumed due to well-known use of "Mockingbird Lane" in a long-running famous TV program.)

During the last few weeks, Petitioner Lippman spoke with Ms. April Wise, of the Petitions Office, about his having never received the Dismissal. Ms. Wise noted that the PTO records for Petitioner Lippman's customer number incorrectly stated the address as on Mockingbird Lane. She recommended filing of a new address-change notice for that customer number.

Typically each week several pieces of PTO mail arrive correctly for Petitioner Lippman on Mockingbird Drive, a street which is in Reno's Cold Springs Valley. Mr. Lippman has found no "Mockingbird Lane" anywhere in the Reno area.

Cold Springs Valley is a relatively small, semirural area more than ten miles from the main population centers of Reno, and somewhat isolated by a mountain pass. Local postal carriers appear to very clearly know what streets are in the valley.

POSTAL SERVICE PROCEDURES — Furthermore, the U. S. Postal Service (hereinafter "USPS") should return to the PTO any PTO mail not delivered to Petitioner Lippman — but Mr. Lippman has

never been contacted by phone, FAX, e-mail or otherwise to resolve any question of such returned postal mail.

To briefly review the USPS procedures: on May 19 of this year Mr. Lippman telephoned the postmaster in Montrose, California — Mr. Lippman's previous city of residence. That postmaster, Mr. Voltaire Alfonso, after listening to the general facts of the present situation stated that the most usual and most-approved procedure is for the USPS to check — even before mail from the PTO leaves the east coast — for address-change notices on file. Since Mr. Lippman's USPS forwarding order by July 2005 was expired, no valid notice would have been found. (The expired notice, however, might have been found.)

Mr. Alfonso proceeded to explain that the next step, if no valid address-change notice is found then (or later in the process if need be) — and if it also appears (e. g., from an expired notice) that routine delivery will fail — is to look on the outside of the envelope for a legible return address. If such a return address is found, the USPS then forthwith returns the mailed piece to that address. This process takes only a short time.

If no return address is thereby found, however — e. g. if the envelope has been damaged or the return address blurred, etc. — the USPS instead sends the piece to a Dead-Letter Center. The staff members there open the piece, and search its contents for any indication of a source address.

Upon finding such indication, USPS staff members copy that address to a fresh envelope, place the entire original piece of mail inside that envelope, and return the entire freshly packaged item into the stream of mail for return to the original sender. Mr. Alfonso stated that this entire process in the Dead-Letter Center typically takes something over four weeks.

Only if no valid source address can be found either inside or outside the original mailed piece is the item consigned to truly "dead"-letter status. Since the PTO Dismissal document itself clearly states the PTO address, i. e. the address of a prominent government agency, Mr. Alfonso expressed doubt that the 2005 Dismissal document went anywhere but back to the PTO.

Based on all these facts, it is improbable that the minor address error (wrong street suffix) in the PTO records could have been responsible for nondelivery of the Dismissal document. With respect, the Petitioners submit that delivery went wrong because the document was on its face misaddressed (please see section 7 below) — and therefore was returned to the PTO. Once there, evidently, it was not investigated.

Nevertheless Ms. Wise's recommendation is greatly appreciated, and it has recently now been followed. A copy of the recent change-notice form, with its coverletter, appears as Exhibit H. The PTO responded to that form incorrectly (leaving the street suffix as "Lane"), and Petitioner Lippman has since corrected the PTO database on-line himself.

7. Failure of the PTO to correctly address or remail the Dismissal document, using Petitioner Lippman's mailing address as then officially on record in the PTO: In addition to Petitioner Lippman's docket printouts discussed above in sections 3 and 5, there is other evidence — even much stronger — that the original, mailed Dismissal document was never received: on its face, it was misaddressed.

The copy of that above-mentioned July 2005 Dismissal which is reproduced in Exhibit B (pages 2 and 3) was first received by Mr. Lippman via FAX in April 2007. It reveals that the Dis-



missal was addressed to his former, southern California location in July '05, even though a year earlier in July 2004 (proven in section 6) he had filed a PTO address change (Exhibit F) and in December the PTO had acknowledged it (Exhibit G). Evidently the Dismissal was prepared with reference to neither the PTO's general address record for Mr. Lippman's customer number, nor the specific address record shown in PAIR for this case.

CORRECT MAILING OF OTHER DOCUMENTS — Meanwhile, Petitioner Lippman has now found at least two documents (in unrelated cases) that came from the PTO addressed directly to his new address in August and September 2004. Coversheets of both those documents are appended as Exhibit I. They dispositively prove that the July 2004 address-change notice had begun to take effect in the PTO and was available for use there by August 2004 — nearly a year before the critical Dismissal was mailed in this case.

In his search that resulted in Exhibit I, Mr. Lippman ran across no documents mailed from the PTO after July 2004, concerning provisional or nonprovisional national applications, that were addressed to his old address — except for the July 2005 Dismissal in this case. (He did not attempt, however, to search for such later-mailed misaddressed items exhaustively.)

Of course before his actual change of location (June 2004) Mr. Lippman also had deposited a mail-forwarding order with the U. S. Postal Service. It is his understanding that the forwarding order expired in about June 2005.

Since PTO correspondence, by at least August 2004, had all begun to come directly to his new address by virtue of the July 10, 2004 address-change notice (Exhibit F), expiration of the forwarding order was not seen to be problematic. In actuality, however, since the 2005 Dismissal was misaddressed to Mr. Lippman's by-then-long-obsolete old office and home in southern

California, the Postal Service almost surely returned that document to the PTO. This is established by Mr. Lippman's telecon with Montrose Postmaster Voltaire Alfonso, as reported above in section 6 of these "Additional Sheets".

The Petitioners presume that, on arrival back at the PTO, the Dismissal document should have triggered an investigation to determine the correct address which should have been used in July 2005. That address had long been in the file, not only of the PTO for Mr. Lippman's customer number in general, but the electronic file of this case.

In fact as clearly shown in the PAIR system contents for this case, by December 2004 the PTO had associated Mr. Lippman's then-current mailing address with this case. That is established by the "Address Change" document from PAIR's image-file-wrapper section with mailing date "12-14-2004" as Exhibit G.

Although that document does contain the minor technical error in the street-name suffix, as discussed in section 6 above, if the Dismissal document had been addressed as in the PTO records (Exhibit G) it would surely have been delivered to Mr. Lippman promptly in July 2005. That conclusion holds true whether or not the PTO had entered the correct street suffix as in Exhibit F.

(Sections 3 through 7 above conclude the proximate-cause analysis started at Section 1.)

8. Analysis based upon full chronology — introduction: Petitioner Lippman has consulted several staff attorneys and others in the Petitions Office, seeking guidance as to the nature and scope of proofs that should be presented in this Petition — as well as information that might help facilitate

acquiring a copy of the Dismissal (as recounted earlier). The Petitioners in particular wish to thank Ms. Frances M. Hicks for thoughtfully considering the present situation and for explaining that each Petition is considered on its own facts and merits, and that no detailed guidance for the present situation could be specified.

Petitioners also gratefully thank Paralegal Ms. Liana Walsh for providing a facsimile copy of the Dismissal document; and Ms. April M. Wise for her well-reasoned observations and recommendations concerning Petitioner Lippman's address, as discussed above in section 6 of these "Additional Sheets"; and Mr. Paul Janoski for his initial help to Mr. Lippman in becoming oriented to the situation. In addition, Petitions Attorney Charlema Grant very kindly explained why — by virtue of severe caseload, as Mr. Lippman understood it — she was not at liberty to study the situation for purposes of giving preliminary advice.

To go beyond the above proximate-causation approach of section 1 of these "Additional Sheets", and sections 3 through 7: the circumstances here are essentially a series of inter-linked events that began in a very modest way and escalated according to the "domino effect" into an extremely serious problem. It is especially severe in that the patent involved is of particular importance to the assignee — as witness the participation of that firm's president and chief executive officer, in this Petition, and his appended Declaration (Exhibit J).

That series of events is taken up in detail below.

9. Initial submission of the maintenance fee: On October 30, 2003 with the four-year deadline two weeks away, Mrs. Agui-

lera wrote by e-mail to Petitioner John McLean, Ph.D., who is the chief executive officer of the assignee Areté Associates, asking for authorization to pay the fee.

That inquiry is shown at the bottom of the attached Exhibit K, together with Dr. McLean's prompt response (at the center of the same Exhibit) — including his remark, "This is a very important patent for Areté." Furthermore, as the same Exhibit shows, when preparing that response Dr. McLean himself took the trouble to add another address to the distribution: he sent a "Cc:" (courtesy copy) to: "King, Jim" <king@arete.com>.

Mr. Jim King at that time was the chief financial officer of Areté. Thus Dr. McLean, the president and chief executive officer, wanted his chief financial officer to be reassured in advance (not even waiting for Mr. King to inquire) that the thousand-dollar maintenance fee should be paid — further demonstrating how important this patent was to the company. Also in the same exhibit, at the top, is Mrs. Aguilera's quick reply confirming her intention to file timely.

On November 6, 2003 Mrs. Aguilera in fact began looking for a suitable coverletter to accompany the fee. She knew that all of Petitioner Lippman's electronic documents were stored in computer directories ("folders") by client — and some even by specific docket code.

Not wanting to type and proofread all the numbers, names etc. relating to the subject patent, and being well trained to think about efficiency, Mrs. Aguilera looked in the correct computer directory for previous outgoing letters related to this patent.

There she immediately found in electronic form the letter that had been used four years earlier for payment of the first, fourth-year maintenance fee.

For reasons that will become clear momentarily, that 1999 letter is reproduced as Exhibit L of this Petition. Petitioners respectfully draw attention to the PTO address that Petitioner had used in 1999.

The 1999 PTO address appears in that letter at the top of the page, and also unfortunately — very unfortunately, as will be explained — within the mailing certification at the bottom. Thus, among the several variations needed to adapt the 1999 letter to 2003 purposes, there was one item that Mrs. Aguilera felt clearly ought to be freshly typed, namely the then-new mailing address of the PTO Maintenance Branch, where it appeared within the mailing certification. Exhibit M of this Petition shows the resulting November 2003 coverletter for the maintenance fee.

10. Initial delay: This retyping of the new PTO address, as such, was done correctly, and Mrs. Aguilera also revised some other passages (not important here) of the letter. In the process, she introduced a new but unimportant typo — and also unintentionally deleted a very important needed element — as seen in Exhibit M.

As comparison of Exhibits L and M suggests, to update the PTO address Mrs. Aguilera deleted the last part of the final sentence in the coverletter, and then typed in the new PTO address. Unfortunately that part of the final sentence included the mailing date. Hence the mailing certification became defective in that the mailing date was thereby omitted from it. Nevertheless Petitioner Lippman did sign that letter.

Although the coverletter and fee were mailed before the final deadline, since the mailing date was omitted from the certification, Rule 8 did not apply — and the PTO of course

responded that the fee was late and the patent had already expired when the fee arrived.

This particular component of delay was curable, and Petitioner Lippman timely undertook to cure it as described in section 11 below. Therefore, with respect, its contribution to the overall delay in filing of the maintenance fee is believed to be superseded by (or subsumed within) the unavoidable delay involving Mr. Lippman's nonreceipt of the misaddressed Dismissal document — as set forth above in sections 1, 3, 6 and 7 of these "Additional Sheets".

In addition to being unintentional, and curable, in a very important sense this delay itself also was unavoidable. It is possible for human beings to be well trained, and professional, and conscientious, and extremely careful, and to review their own efforts — all of which describes Mrs. Aguilera's excellent work beyond question — but it is never possible to entirely, completely "avoid" a last small residual of human error.

This fundamental truth is amply recognized in the MPEP and in the caselaw. More specifically, MPEP 711.03(c) quotes the decision in *Matullah* thus:

"The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon . . . worthy and reliable employees. . . ."

In other words, perfection is not required; and that tiny possibility for human error is literally unavoidable. That last small sliver of human error is exactly what arose here. The Petitioners therefore respectfully submit that the error of inadvertently deleting the certification date, and Mr. Lipp-

man's execution of the letter with that error — and its resulting contribution to delay — were not avoidable.

11. March 2004 Petition to accept unintentionally delayed payment, and its dismissal: When Mr. Lippman received notification that the 2003 fee submission had been rejected as late, he and his staff timely prepared a Petition (Exhibit N, attached) to accept the delayed payment. They filed that Petition in the PTO in March 2004.

As part of that Petition they submitted a letter explaining what had gone wrong. A copy of that letter is attached as Exhibit O.

Mr. Lippman next learned — three years later, in a March 21, 2007 telephone discussion with a then-representative of the Petitions Office, Mr. Paul Janoski — that in July 2005 the PTO had mailed a Dismissal of the March 2003 Petition. As recounted above in section 1 of these "Additional Sheets", in due course Mr. Lippman on April 27, 2007 was able to obtain a copy of that Dismissal document and thereby learn the reason for dismissal.

To summarize, PTO processing of the 2004 Petition took one year and four months; and Mr. Lippman learned of the outcome another one year and nine months after that — i. e., a total of three years and one month after filing of the Petition. Mr. Janoski, in the March 21 telephone conversation, suggested strongly that Mr. Lippman should have looked into the matter during the interim of 16 to 37 months.

The Petitioners of course in hindsight agree that it could have been very useful to follow-up on the 2004 Petition. At the same time, however, for the reasons detailed below they re-

spectfully but strenuously take issue with the suggestion that there was any lapse in the duty of "reasonable care":

- Petitioner Lippman is not aware of any "standard" time period for completing a decision on a Petition to Accept Unintentionally Delayed Payment.
- Therefore the Petitioners very respectfully wish to point out that from the perspective of practitioners outside the PTO — under all the unusual circumstances of 2001 through the present — there is little to make 37 months seem less plausible than 16. More specifically, during a protracted and costly war that diverts money and other resources from the PTO, both of those intervals only seem to be long but plausible times for consideration of a Petition.
- The length of such intervals does not suggest any malfeasance. It simply suggests that the PTO Petitions staff is swamped with work. (This idea is consistent with Mr. Lippman's impressions of his conversations with staff.)
- Under these circumstances, in the vernacular, the Petitions Office appears to be "pedaling as fast as it can." The signing Petitioners believe that this is a result of the Federal Government's allocating stringently limited governmental resources to the PTO, particularly during wartime — already ongoing for three years in 2005 — and with an enormous Defense budget.

Therefore it would seem neither helpful nor courteous for Mr. Lippman to "pester" the Petitions Office staff — any more than it would have made sense to complain about discolored and brittle acknowledgment cards or other PTO disruptions after the 2001 Pentagon and anthrax attacks. Rather it seems more appro-



priate (and perhaps a patriotic duty) that he patiently let the matter lie — until receiving a decision in due course.

12. Relocation of office: The Petitioners draw attention to Petitioner Lippman's change-of-address notice (please refer to Exhibit F) in this case, and related complications. That notice was submitted to the PTO in July 2004, and it is reflected substantially (though not absolutely) correctly in the address shown for Mr. Lippman in the PTO records between 2004 and the present.

The attached Exhibit G shows that Ms. April Wise — of the Petitions staff — was correct in noting that the official records included a faulty showing of the street suffix as "Lane" rather than "Drive". In view of the fully correct appearance of the address in the change-of-address notice (Exhibit F), the Petitioners respectfully point out that the Petitioners did not contribute at all to that faulty indication of the street suffix. Rather, it is believed to be wholly due to error in, e. g., the Electronic Business Center.

As discussed in section 6 above, if the Dismissal had been mailed in accordance with Exhibit G, it is possible that it might have gone astray for some reason related to the error in street-name suffix ("Lane" rather than "Drive"). As section 6 makes clear, that was the professional view of Ms. April Wise and it cannot be said that she was incorrect.

Mr. Lippman's own opinion (suggested in section 6) is that mail sent with a misstatement of "Lane" rather than "Drive" — if not just delivered to him without delay, as routinely happens — very likely resolves itself within two or three weeks.

Nonetheless, pursuant to Ms. Wise's advice, a new address-change notice, specifically calling attention to the detail of

the street-name suffix, has now been submitted. A copy of that new notice appears as Exhibit H. As the PTO disregarded that detail, Mr. Lippman subsequently followed-up with an on-line correction.

In midJune 2004, Mr. Lippman moved away from Los Angeles, California — where he had been from 1943 — to Reno, Nevada. Although Petitioner Lippman considers himself (and makes great effort) to be reasonably well organized, there may be unavoidable imperfections in this effort.

In April through June 2004, during preparations for the move, his residence and office were unavoidably in a state of flux. Furthermore, Mrs. Aguilera and a then-assistant clerk were not available to also move from Los Angeles to Reno, to continue their employments with Mr. Lippman.

Both these people were very good employees and had received considerable training; their loss was a severe blow. Over the years Mr. Lippman had trained several office clerks to his methods and procedures, and had become reasonably effective in that role.

In his new office he was able to restore basic functions with reasonable promptness. In training of new employees, of course use of the docket system is paramount, and Petitioner Lippman took pains to be certain that incoming correspondence was promptly and properly calendared and filed.

He believes that long before July 2005 incoming matters were once again being routinely and correctly calendared. The docket-sheet printouts of Exhibit A substantiate this belief.

Based upon a current general review of PTO correspondence from 2003 to 2005, Petitioner Lippman has come to a tentative belief that the Office of Petitions had its own procedures and

(undoubtedly for good and well-considered reasons) eschewed use of the PTO's master address files in favor of answering to the address on an incoming Petition.

On one hand, the Petitioners certainly would not presume to criticize such procedures. On the other hand, it is believed that such departure from standard PTO processing is not at all general knowledge among registered patent practitioners.

Had Mr. Lippman known of such a divergent method, of course he would have written or telephoned the Office of Petitions in July 2004, immediately after moving to Nevada, to make sure that his correct and current mailing address was in the file for his 2004 Petition. Although that does not seem to have been required, it would have been a common courtesy; but unfortunately he did not know or suspect that the Office of Petitions used a divergent method.

13. Track record: Other sections of this Petition focus upon explaining delay, and upon analyzing causes of error. While that negative focus is entirely appropriate, the Petitioners respectfully wish to point out that the occurrence of delay and error in a patent practice can only be fully understood in the context of other characteristics of the practice.

To provide such a more-balanced perspective, some positive aspects of Petitioner Lippman's practice are outlined here:

He has actively drafted and prosecuted patent applications for more than 36 years, having started as an independent patent agent. He took time out for a California law degree, *magna cum laude*, about 30 years ago.

He has drafted and filed about 410 U. S. nonprovisional patent applications (plus 30 provisionals) — some filed in the

names of clients' corporate counsel, or of lawfirms, or lawfirm partners. So far more than 330 of his U. S. cases have issued.

(Clients elect to drop some cases because inventions don't work as well as expected, or due to marketplace disappointments or financial constraints. Occasionally there are PCT search surprises.)

One of his individual clients, and one of his corporate clients, have each earned between one and two million dollars from sale or licensing of patents that Mr. Lippman drafted, filed and prosecuted. Likewise based upon Mr. Lippman's work, some clients of Mr. Lippman's former law partners have fared even better.

At least apart from the present case, he has never incurably failed to file a maintenance fee. He has twice made oral argument before the Board of Appeal, both times successfully. Over 36 years, he has maintained reasonably cordial relations with all but two examiners and all but two clients, not been sued by anyone for anything, never been accused of malpractice (some of his former partners cannot say this), and never been disciplined or warned by either the Bar Association or the PTO.

14. Continuity and refinement of office operations: Despite extensive and energetic efforts to make the transition to a new locale in Nevada as smooth as possible, there was some temporary irregularity in office function. It did not, however, affect this case.

EMPLOYEES — Long before July 2005 (when the PTO mailed the Dismissal document), Petitioner Lippman had an employee capably making calendar entries in Nevada. The calendar is one of the most-critical and first-taught functions of his office, and it

was under control at the time when the Dismissal would have arrived — if it had ever arrived.

All of his several successive employees in Nevada started out knowing nothing of patents and office management — and so required that Mr. Lippman extensively train them, essentially from scratch. Nevertheless, he believes that the integrity of the calendar was maintained throughout 2005 and to the present. In addition, his personnel situation has stabilized, with finding of an excellent longterm employee.

MORE-INTENSIVE FOLLOW-UP — Partly in response to this present situation involving the maintenance fee for the subject patent, Petitioner Lippman has now strengthened his routine follow-up efforts. He now adds follow-up entries into his docket calendar — for essentially all papers that he files in the PTO.

At each point, every follow-up entry is rolled over into another follow-up entry:

- when an acknowledgment card is received, another entry is created to watch for a PAIR posting;
- then when PAIR shows that a paper is in the PTO's file, another entry is created to watch the PAIR website for forwarding of the filed paper to the examining group, or other entity within the PTO;

and so on until it is clear that appropriate action by the PTO has been actually completed.

This enhanced follow-up program is aided by very extensive use of the PAIR system to check status without having to interfere with the work of PTO employees. If it would be of interest, Mr. Lippman would be glad to submit additional exhibits showing examples of routine status-check entries.

USE AND MONITORING OF THE DEPOSIT ACCOUNT — With arrival of the 2005 Dismissal document by facsimile, it has now become possible to see that the present maintenance-fee delay involved Petitioner Lippman's deposit account. After thinking through the detailed causes of the delay, he has now put into operation a "shadow" bookkeeping system for more aggressively monitoring moneys flowing out of that account.

This change in procedures represents an effort to learn from this very regrettable experience. He has now recognized certain limitations of the PTO's deposit-account system, and is using these recognitions to improve his office operations. These points are all detailed below.

1) WITHDRAWALS ON GENERIC INSTRUCTION — In the routine use of a deposit account, funds are very often withdrawn by the PTO staff (correctly) without specific instruction from Mr. Lippman. That is in fact a main objective in having a deposit account; it does nevertheless complicate any effort to know what the balance really is.

In his bookkeeping system previously he has simply distributed, after the fact, funds flowing out of the deposit account — based upon the monthly deposit-account reports — and has relied upon "the system" to eventually sort out all such transactions.

2) WITHDRAWAL FAILURES NOT REPORTED — A danger in this approach, only now belatedly clear to Petitioner Lippman, is that the PTO's deposit-account reports do not reveal EFFORTS by PTO personnel to withdraw funds — when there is not enough money to withdraw. If the reports did show such efforts, then in this case that would have alerted Petitioner Lippman to the problem which Petitions Paralegal Liana Walsh had encountered — and would have done so within the two-month period permitted for reply to the Dismissal.

Had that occurred then of course he would have timely rescued his 2004 Petition (to accept the unintentionally-delayed maintenance fee). If his understanding is correct, then evidently this present Petition would not have become necessary. The deposit-account reports, however, in fact do not enable such rescue.

3) TELEPHONE ALERTS (AND EFT'S) OPTIONAL — Occasionally staff in the PTO have telephoned Mr. Lippman to say that funds are required for some particular fee — and Mr. Lippman has immediately used the electronic-funds-transfer system to replenish his account. When this happens, the PTO staff is able to actually see the changing balance in the deposit account, in real time during the phone conversation — and this is an extremely useful capability.

The Petitioners do not suggest that the Office of Petitions "should have" telephoned. This too comes under the heading of courtesies rather than obligations. Unfortunately in this present matter, as previously mentioned he received no such telephone call or other message.

4) DEFERRED WITHDRAWALS FOR PETITION FEES — Also unfortunately he had taken for granted that the fees for his 2004 Petition would be withdrawn from his account within a few months — whether or not a Decision on Petition was generated in that time — and accordingly he was not watching the balance closely during the time interval (thirteen months later) when Ms. Walsh apparently was checking for those Petition fees.

5) PROCEDURES FOR CURING THESE LIMITATIONS — In his new system for monitoring his deposit account, Mr. Lippman now uses simple commercial software to track debits and credits as if the deposit account were a bank account. When he specifically asks

PTO personnel to withdraw money from the deposit account, he then enters the anticipated withdrawal into the software.

The software is promptly reconciled against each monthly report. When the monthly report shows a sum of money out (or in) that has not already been entered into the software, this sum is entered at that time. If already entered earlier, that earlier entry is simply confirmed; if not already entered, then the new entry resolves the matter.

Each month the software "should" show a balance equal to that in the deposit-account report. If not, then suitable action is taken to correct either the deposit-account records or Mr. Lippman's shadow software accounting, as appropriate.

In particular, if the deposit-account report fails to reflect a withdrawal which Mr. Lippman has asked the PTO staff to make, then he can promptly follow-up with PTO staff. In the present case, such follow-up could have been required — and would have been performed — monthly for thirteen months.

6) TYPES OF DEPOSIT-ACCOUNT TRANSACTIONS DISFAVORED — Although this would eventually have prevented the delay involved in this case, that is not an ideal way to prevent such delay. Thus the history of the present case also shows that the deposit account is excellent for some kinds of payments but not others.

In addition to making payments that are needed immediately, the deposit account is fine for routine fees that can reasonably be expected to "clear" within a month or two. It is not well suited, however, for any open-ended situation in which the practitioner cannot at all predict how long the withdrawal instruction may be held pending.

In those situations it appears best to pay by check. This is Petitioner Lippman's plan for future such situations.



15. Other requirements: Based upon the last paragraph of 37 CFR § 1.137, Petitioners believe that no Terminal Disclaimer is required in this matter. In event this understanding is not correct, Petitioners request an opportunity to cure.

16. Conclusion: The Petitioners respectfully submit that they have complied with all requirements of MPEP 2590 and 37 CFR § 1.378. More specifically, this Petition provides:

"(1) the required maintenance fee set forth in § 1.20 (e)-(g);

"(2) the surcharge set forth in § 1.20(i)(1); and

"(3) a showing that the delay was unavoidable since reasonable care was taken to ensure that the maintenance fee would be paid timely and that the petition was filed promptly after the patentee was notified of, or otherwise became aware of, the expiration of the patent."

Further, the required showing herein does "enumerate the steps taken to ensure timely payment of the maintenance fee, the date and the manner in which patentee became aware of the expiration of the patent, and the steps taken to file the petition promptly."

The Petitioners therefore ask that the accompanying eight-year fee and surcharge be accepted, and that the subject very important patent U. S. 5,467,122 be reinstated.

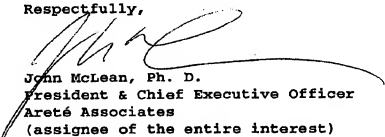
12-YEAR FEE — Further the Petitioners very respectfully take the liberty of also offering, with this Petition, the twelve-year maintenance fee for the subject Patent, so that in

case this Petition is granted the Patent will not lapse for nonpayment of the fee normally due in 2007.

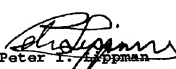
The Petitioners hope but of course do not presume that this Petition will be granted. If this tender of the current-year fee herewith is deemed improper, the Petitioners sincerely apologize and invite refund of that fee or such other action as would be preferred.

TELEPHONE CALL — In the event of any obstacle to granting this Petition, the Petitioners earnestly ask for a phone call to Mr. Lippman at 775/677-8822, to discuss such obstacle. In case he is not available to take such a call, the Petitioners hereby authorize Mr. Lippman's clerk, Mrs. Shaliene D. Ray, to discuss any and all matters related to this Petition.

Respectfully,



John McLean, Ph. D.  
President & Chief Executive Officer  
Areté Associates  
(assignee of the entire interest)



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June 5, 2007

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775/677-8822

# Key to types of entries stated in section headings

A. STATUTORY deadlines within 30 days  
B. EXTENDABLE deadlines within 30 days  
C. INTERNAL deadlines within 7 days  
D. STATUTORY deadlines over 30 days  
E. EXTENDABLE deadlines over 30 days  
F. INTERNAL deadlines over 7 days

W/td. either none **DATE** 07/25/01

of first printout

## Section headings, stating entry types ("A" or "B")

These deadlines are (see definitions above) Type A

W/td-21 file to revive  
W/td-22 DA filed w/td  
W/td-23 J-wk MAGNET  
W/td-24 J-wk MAGNET  
W/td-25 J-wk MAGNET  
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W/td-27 J-wk MAGNET  
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W/td-100 J-wk MAGNET

These deadlines are (see definitions above) Type B

W/td-31 Incomplete reply fees due w/td-no ext  
W/td-32 Incomplete reply fees due w/td-no ext  
W/td-33 Incomplete reply fees due w/td-no ext  
W/td-34 Incomplete reply fees due w/td-no ext  
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W/td-78 Incomplete reply fees due w/td-no ext  
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W/td-89 Incomplete reply fees due w/td-no ext  
W/td-90 Incomplete reply fees due w/td-no ext  
W/td-91 Incomplete reply fees due w/td-no ext  
W/td-92 Incomplete reply fees due w/td-no ext  
W/td-93 Incomplete reply fees due w/td-no ext  
W/td-94 Incomplete reply fees due w/td-no ext  
W/td-95 Incomplete reply fees due w/td-no ext  
W/td-96 Incomplete reply fees due w/td-no ext  
W/td-97 Incomplete reply fees due w/td-no ext  
W/td-98 Incomplete reply fees due w/td-no ext  
W/td-99 Incomplete reply fees due w/td-no ext  
W/td-100 Incomplete reply fees due w/td-no ext

## Record numbers, starting 1st printout

1 09/005,866 MEDIA-INFO CALOR  
2 09/019,360 MEDIA-INFO CALOR  
3 09/040,015 Kane LIDAR PHASE  
4 09/068,610 Donovan MODIFIED MATRIX  
5 Kane PPT OPTICAL SENSOR  
6 Kane PPT OPTICAL SENSOR  
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## Deadline DATES

7 11/015,285 Kane STILL HERE  
8 5,713,990 01/37/98 filed 10/07/01  
9 09/045,492 Alfred CIL  
10 09/045,492 Vague ARCADE CONTROL  
11 Lain MULTILEVEL W/td-EP 09/042,416  
12 09/042,416 Lain MULTILEVEL W/td-EP  
13 Kane QIAC CIL/MS  
14 09/045,492 Kane LIDAR PHASE  
15 5,713,990 01/37/98 filed 10/07/01  
16 CIL/MS 09/045,492 09/042,416  
17 16 PCT/US 03/39335 Cat's Eye: pay direct/Josef?  
18 LIDAR PHASE 09/045,492 09/042,416  
19 09/042,416 Kane CIL/MS  
20 09/042,416 Kane CIL/MS  
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## Hand-markings for use in next update

33 09/045,492 Villanova Rifle Cal 00007723-1  
34 11/033,399 SKIPFIELD CODE  
35 09/045,492 LATEX 20 BLIST'G  
36 09/045,492 Kane, RP W/td-EP 10/124,467  
37 10/285,377 CIRCULATING MICRO  
38 09/045,492 CIL/MS AUTOTIGHER  
39 11/033,399 SKIPFIELD CODE  
40 09/045,492 LATEX 20 BLIST'G  
41 09/045,492 Kane, RP W/td-EP 10/124,467  
42 10/285,377 CIRCULATING MICRO  
43 09/045,492 CIL/MS AUTOTIGHER  
44 11/033,399 SKIPFIELD CODE  
45 09/045,492 LATEX 20 BLIST'G  
46 09/045,492 Kane, RP W/td-EP 10/124,467  
47 10/285,377 CIRCULATING MICRO  
48 09/045,492 CIL/MS AUTOTIGHER  
49 11/033,399 SKIPFIELD CODE  
50 09/045,492 LATEX 20 BLIST'G  
51 09/045,492 Kane, RP W/td-EP 10/124,467  
52 10/285,377 CIRCULATING MICRO  
53 09/045,492 CIL/MS AUTOTIGHER  
54 11/033,399 SKIPFIELD CODE  
55 09/045,492 LATEX 20 BLIST'G  
56 09/045,492 Kane, RP W/td-EP 10/124,467  
57 10/285,377 CIRCULATING MICRO  
58 09/045,492 CIL/MS AUTOTIGHER  
59 11/033,399 SKIPFIELD CODE  
60 09/045,492 LATEX 20 BLIST'G  
61 09/045,492 Kane, RP W/td-EP 10/124,467  
62 10/285,377 CIRCULATING MICRO  
63 09/045,492 CIL/MS AUTOTIGHER  
64 11/033,399 SKIPFIELD CODE  
65 09/045,492 LATEX 20 BLIST'G  
66 09/045,492 Kane, RP W/td-EP 10/124,467  
67 10/285,377 CIRCULATING MICRO  
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69 11/033,399 SKIPFIELD CODE  
70 09/045,492 LATEX 20 BLIST'G  
71 09/045,492 Kane, RP W/td-EP 10/124,467  
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74 11/033,399 SKIPFIELD CODE  
75 09/045,492 LATEX 20 BLIST'G  
76 09/045,492 Kane, RP W/td-EP 10/124,467  
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79 11/033,399 SKIPFIELD CODE  
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84 11/033,399 SKIPFIELD CODE  
85 09/045,492 LATEX 20 BLIST'G  
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88 09/045,492 CIL/MS AUTOTIGHER  
89 11/033,399 SKIPFIELD CODE  
90 09/045,492 LATEX 20 BLIST'G  
91 09/045,492 Kane, RP W/td-EP 10/124,467  
92 10/285,377 CIRCULATING MICRO  
93 09/045,492 CIL/MS AUTOTIGHER  
94 11/033,399 SKIPFIELD CODE  
95 09/045,492 LATEX 20 BLIST'G  
96 09/045,492 Kane, RP W/td-EP 10/124,467  
97 10/285,377 CIRCULATING MICRO  
98 09/045,492 CIL/MS AUTOTIGHER  
99 11/033,399 SKIPFIELD CODE  
100 09/045,492 LATEX 20 BLIST'G

## Database RECORD numbers

## Deadline DATES

external/extendable, within one month (and so all before 9/15/05)

DOCKET codes

Exhibit A -- page 1 of 13

# First printout, second page: record-number listing continues

## Docket codes

if on final, APPEAL: 2-mo. ext & APPEAL/7  
 File new provisional new file in cabinet Kane MO GIMDALS  
 Cary Email request RPOK response 60/950,030-2  
 Request for Corrected Filing Receipt NO Attorney see CA  
 study Stanley case  
 Study Meel's ap. Bird in hand  
 Warning check if abandon or revive w/ 2-mo. ext. case  
 CA filed 7/18 STATUS Incomp'te reply fee **BILL ARRETS FEE**  
 File new provisional new file in cabinet  
 Status? CA filed 6/17 60019933-1  
 Record Assignment 2/8/05 patented  
 Mail patent to HP draw'g Entered 4/18 in PAIR 8/7/5  
 status rework on tx have notarized assign for nat/regional  
 Record assignment get entered into PAIR system  
 GO assignment  
 assignment done? 1986 fee pd 1/21 patent issued 3/1  
 executed assignment to file Email Kostas recordation form  
 abandon or not? 2-mo. ext  
 File new provisional new file in cabinet  
 study HUBAC TR report Get back to Dorekane w/ assessment  
 CA reply  
 Status? CV/misling parts  
 status??? PL investigate EP resp - 8/6  
 Meeting CA dual advisory 100/800  
 check status RPOK response 60/950,002  
 CA dual w/ 1-mo ext. abstract, drawings, claim rejections  
 Advisory CA reply 1-mo. ext. n  
 CA reply 1-mo. ext. n  
 PL to chx pedigree 60900038-3  
 CONT 838 Div'L 837 mail copy to client  
 w/ w/ sat status?  
 if on final, APPEAL: 2-mo. ext & APPEAL/7  
 issue fee pd 8/24/04 PATENTED 10/5/04 check status

\*\* These deadlines are (see definitions above) type C  
 180A- DO STATEMENTS

More deadline dates  
 external and extendable,  
 within one month  
 (therefore all before 9/15/05)

Section  
 heading  
 (internal  
 deadlines)

**Section heading, stating entry type "D"**  
**(nonextendable deadlines more than 1 month in future)**

~ fourth page of first printout ~

listing of deadline dates and record numbers continues  
from third page

06	ATLASLESS w/design	10-yr renewal	75/692,042	03/19/10	178 2,329,541	03/15/2000	Filed 04/26/1999
-09	ATR 4 LRS	10-yr renewal	75/692,043	02/17/10	178 2,329,543	03/15/2000	Filed 04/26/1999
00A	MEDICAL LIDAR	8th-yr. maint. fee	08/556,716	06/04/10	180 6,400,396	06/04/2002	Filed 11/13/1995
-69	CTD SENSOR	8th-yr. maint. fee	07/663,849	06/11/10	181 6,404,204	06/11/2002	Filed 05/01/2000
00A-09	SUCTOR HOIST	12th-yr. maint. fee	08/646,284	10/06/10	182 5,816,186	10/06/98	Filed 10/07/97
00A-12	WEDGE JOIST	12th-yr. maint. fee	08/646,286	12/19/10	183 5,448,852	12/19/94	Filed 08/17/96
00A-42	RACK-AND-PANEL	8th-yr. maint. fee	08/477,231	01/14/11	184 6,506,065	01/14/2002	Filed 09/28/2000
00A-03	CONT.	8th-yr. maint. fee	09/189,919	01/21/11	185 6,308,914	01/21/2003	Filed 11/09/1998
00A	GAS ANALYZER	8th-yr. maint. fee	10/590,321	02/06/11	186 6,287,288	02/06/1003	Filed 06/05/2000
00A	CTD SENSOR DIV'L	8th-yr. maint. fee	10/010,926	06/10/11	187 6,577,134	06/10/2002	Filed 12/04/2001
00A	CTD SENSOR DIV'L	8th-yr. maint. fee	10/010,834	06/10/11	188 6,577,124	06/10/2002	Filed 12/04/2001
00A	PAD/VELEND/PNEUMA	12th-yr. maint. fee	08/603,629	06/18/11	189 6,918,887	06/18/1999	Filed 02/19/1997
00A	PRINT MIDGET	12th-yr. maint. fee	09/708,789	10/05/11	190 6,363,457	10/05/1999	Filed 05/04/1996
00A-20	WANG (reserve)	12th-yr. maint. fee	09/485,472	11/15/11	191 6,586,573	11/16/1999	Filed 04/07/1995
00A-18	WANG	11.5-yr. maint. fee	08/487,067	01/25/12	192 6,093,089	07/28/2000	Filed 06/04/1995
00A-19	TABLES	8th-yr. maint. fee	09/485,492	01/27/12	192 6,482,217	01/27/2004	Filed 06/07/1995
00A	WIDENSON	8th-yr. maint. fee	09/100,328	02/17/12	194 6,082,686	02/17/2004	Filed 06/19/1998
00A-16	WAST BRICK	12th-yr. maint. fee	08/739,460	04/25/12	195 6,054,846	04/25/2000	Filed 10/26/1996
00A-18	WANG	12th-yr. maint. fee	08/487,067	07/25/12	196 6,093,089	07/28/2000	Filed 04/06/1995
00A	SERVICEMARK	10-yr renewal	76/085,462	10/29/12	197 2,441,672	10/29/2002	Filed 05/09/2000
00A-17	WANG W/TO	12th-yr. maint. fee	08/480,561	01/23/13	198 6,176,616	01/23/2001	Filed 06/06/1995
00A-03	*CAP HOUSE	12th-yr. maint. fee	08/922,213	03/13/13	199 6,159,973	01/13/2001	Filed 09/03/1997
00A-41	RACK-AND-PANEL	12th-yr. maint. fee	08/632,850	07/17/13	200 6,261,111	07/17/2001	Filed 03/13/1998
00A	MEDICAL LIDAR	12th-yr. maint. fee	08/586,716	06/04/14	201 6,400,396	06/04/2002	Filed 11/13/1995
00A	CTD SENSOR	12th-yr. maint. fee	09/562,849	06/11/14	202 6,404,204	06/11/2002	Filed 05/01/2000
00A-42	RACK-AND-PANEL	8th-yr. maint. fee	09/477,231	01/14/15	203 6,506,065	01/14/2002	Filed 09/28/2000
00A-03	CONT.	12th-yr. maint. fee	08/184,819	01/21/15	204 6,508,816	01/21/2002	Filed 11/09/1998
00A	GAS ANALYZER	12th-yr. maint. fee	09/600,321	03/04/15	205 6,517,188	03/04/2003	Filed 06/08/2000
00A	CTD SENSOR DIV'L	12th-yr. maint. fee	10/010,926	06/10/16	206 6,577,134	06/10/2002	Filed 12/04/2001
00A	CTD SENSOR DIV'L	12th-yr. maint. fee	10/010,834	06/10/15	207 6,577,124	06/10/2002	Filed 12/04/2001
00A-18	TABLES	12th-yr. maint. fee	09/485,482	01/27/16	208 6,482,217	01/27/2004	Filed 06/07/1995
00A	WIDENSON	12th-yr. maint. fee	09/100,324	02/17/16	208 6,482,686	02/17/2004	Filed 06/14/1998

Still more nonextendable deadlines  
trailing from 2010 through 2016

Another section heading, stating  
entry type "E" -- extendable deadlines  
more than 1 month in future

~first printing, fifth page~

DATES of deadlines, and  
RECORD numbers continue

\* These deadlines are (see definitions above) type E

XAA -19	Arate PO Fee for	Amortize Pay Plexer	08/18/05	210	POTAR PERISCOPE
MPSP-09	CHUCK DATA create	Amortize coms 0 7/28	08/18/05	211	
MPSP-32	OK mailed 4/30	status	08/18/05	212	09/703,920 GRAY NEUTRALITY
XAA -42	1-mo Warning OK due	5/22 Ciela reject'n	den/pwr 10/29/00,108	08/18/05	213 Greer FLUORESCENCE-QUINCHINE KIRKATH
MPSP-60	CHUCK status of 31	HP Cams react in	PAIR some react	08/18/05	214 Cams react on 3/25 Call if not react
XAA -28	If on final, APPEAL	1-mo ext 4 APPEAL		08/18/05	215 11/023,399 GELPHIELD COME
MPSP-57	If on final, APPEAL	2-mo ext 4 APPEAL		09/07/05	216 09/848,024 CIG ATTENTION
XAA -50	1-mo Warning OK due	10/8 Gains rejection drawings		09/08/05	217 10/155,745 MASC
MPSP-30	OK reply/1-mo.ext'n			09/08/05	218 09/642,417 GIL DD
XAA -43	IUS	app filed 6/13/05		08/08/05	219 11/151,394 KANA OPTICAL SYSTEM
MPSP-31	OK reply			09/10/05	220 09/648,859 CISTERN
XAA -29	Incomp'te reply fees	status		08/11/05	221 11/015,285 STYL MONE
XAA -09	BILL ARATE	3.5 yr. maint fees due 12/4	6,400,396 lms 6/4/03	09/11/05	222 08/566,716 filed 11/12/95
XAA -49	BILL ARATE	3.5 yr. maint fees due 12/11	6,400,396 6/11/03	09/11/05	223 09/751,849 filed 5/1/00
MPSP-26	Status?	Appeal brief		09/10/05	224 09/488,610 Donoven MODIFIED MATRIX
XAA-02	2-mo reply	final rejection	Avizentia	09/12/05	225 09/945,897 CISTERN
XAA -19	2-mo reply	final rejection		09/12/05	226 10/013,320 Paracaglia CTD COME
1BUS-0	???	NO calendar: no ext for formula anymore!	09/14/05	227	
XAA -25	GERARDY	WAT/Inq/1 filed	7/14/05	09/15/05	228 Veltner PCT Wavelength Converter
XAA -25	GERARDY US/US cases	APP ext 4/15/05	7/14/05	09/15/05	229 Glickler MULTI SLIT LIDAR
XAA -27	Incomp'te reply fees	filed 7/16 w/3-mo ext	STATUS 200138250	09/16/05	230 11/023,043 LOWERY BRUSHFIELD DIVISION
XAA -34	fw/status	IUS filed 3/18	Arate billed PO	09/16/05	231 Glickler U. K. plural-BILL STYL BILL ARATE
MPSP-48	OK reply/1-mo.ext'n			09/16/05	232 09/945,492 Biffel CC
1BUS-0	DO STATEMENTS			09/16/05	233
1BUS-0	Make sure all new fil lings have fw/ calan dered			09/16/05	234
1BUS-0	DO STATEMENTS			09/16/05	235
XAA -19	If on final, APPEAL	2-mo.ext 4 APPEAL		09/21/05	236 10/360,377 CIRCULATING MICRO
MPSP-38	If on final, APPEAL	2-mo.ext 4 APPEAL		09/21/05	237 09/642,416 INWAPAD
XAA -50	2-mo Warning OK due	claim reject. draw'g cited references		09/22/05	238 10/160,745 MASC
MPSP-29	status	fw/resp. filed 8/5/95	sent filed 12/9	09/22/05	239 09/629,243 PARACAGLIA mail frm backtooffice?
XAA -44	missing parcel	OK status?		09/22/05	240 10/394,760 DISCREPANTIVE MAIL
XAA -42		OK reply		08/28/05	241 10/280,108 FLUORESCENCE-QUIN
XAA -50		OK reply		10/08/05	242 10/155,745 MASC
MPSP-30	If on final, APPEAL	2-mo.ext 4 APPEAL		10/08/05	243 09/642,417 GIL DD
MPSP-31	OK reply/1-mo.ext'n			10/10/05	244 09/642,416 MULTILEVEL HT+SP
XAA-02	Final Rejection DUE			10/12/05	245 08/884,956 CISTERN
XAA -12	OK due	Final rejection		10/12/05	246 10/013,320 CTD SENSOR
MPSP-35	check status	sent filed 10/15/04	entered 3/4/05	10/15/05	247 600033239255 Vega FLOW/PHASE/CHUQUIC
MPSP-38	fw OK final reject'n	status?		10/17/05	248 10/176,581 RP LITMATIC
XAA -46	OK DATA status	Office of Correc't'n	09/513,649 5/1/00	10/17/05	249 6,400,396 issued 5/1/00
MPSP-48	If on final, APPEAL	2-mo.ext 4 APPEAL		10/19/05	250 09/945,492 Biffel CC
MPSP-42	OK filed 7/23	status?		10/22/05	251 09/919,207 MEDIA-IND CALAR
MPSP-68	IN PAIR 7/25/05	Check Status		10/28/05	252 09/150,321 MAKE ON DEMAND
XAA -42		OK reply/1-mo.ext'n		10/28/05	253 10/160,108 FLUORESCENCE-QUIN
XAA -50		OK reply/1-mo.ext'n		11/04/05	254 10/155,745 MASC
MPSP-31	If on final, APPEAL	2-mo.ext 4 APPEAL		11/10/05	255 09/642,416 MULTILEVEL HT+SP
XAA -53	filed 5/12	4-mo. STAT.		11/11/05	256 11/015,285 STYL MONE
XAA -44	AUS response due	2/19/06	AUS pat. 200138250	11/19/05	257 Glickler MULTI SLIT LIDAR
MPSP-29		fw/OK resp of 8/21		11/21/05	258 09/642,416 09/90407 INWAPAD
XAA -30	Check status dockete	8 Mo Case 11/21/04		11/24/05	259 10/164,907 GILDA BUSH
MPSP-79		for'm 1/24 FLAG		11/27/05	260 11/043,587 DAPANA KEAN-FIELD HALFTONE
XAA -42	If on final, APPEAL	2-mo.ext 4 APPEAL		11/28/05	261 10/280,108 FLUORESCENCE-QUIN
XAA -09	MEDICAL LIDAR	3.5-yr. maint. fee	08/566,716	12/04/05	262 6,400,396 06/04/2002 filed 11/13/1995
XAA -50	If on final, APPEAL	2-mo.ext 4 APPEAL		12/04/05	263 10/155,745 MASC
CTD SENSOR		3.5-yr. maint. fee	09/562,449	12/17/05	264 6,400,396 06/11/2002 filed 05/03/2000
MSKA-16	ELECTRON.KEV UTIL	11.5-yr. maint. fee	09/802,681	12/18/05	265 5,322,992 06/21/94 filed 08/23/82
MPSP-79	1-mo FLAG	foreign filing due	filing date 11/25/04	12/22/05	266 11/043,587 DAPANA KEAN-FIELD HALFTONE
XAA -38	fw/ status	filed 12/27/04		12/27/05	267 11/023,299 Labard BRUSHFIELD continuation
XAA -38	fw/ status	filed 12/27/04	PL prelia sent?	12/27/05	268 11/023,299 Labard BRUSHFIELD continuation
1BUS-07	MAGNETIC LINES	3.5-yr. maint. fee	07/823,471	01/26/06	269 5,322,992 07/28/94 filed 09/29/91
1BUS-01		RENEW MAPCASE software	1 before 4/5 deadline	02/05/06	270
XAA -54	RENEWAL FEES due	4/26	Bill Arate	02/15/06	271 Glickler STYL-MONE patent GB2403414
XAA -54	RENEWAL FEES due	4/26	Bill Arate	02/15/06	272 Glickler NTP-GARZ LIDAR patent GB2402613
XAA -54	RENEWAL FEES due	4/26	Bill Arate	02/15/06	273 patent: HUSBY GB239244
MSKA-31	1-mo Warning!	file prov'd DUE 5/1		04/02/06	274 40/676,885 MAIL DISSEMINATION
MPSP-08	SUNCTION ROCKET	7.5-yr. maint. fee	08/944,294	04/06/06	275 5,816,156 10/08/98 filed 10/07/97
MSKA-21	file rog application		fileing date 5/2/2004	05/01/06	276 40/676,885 DISSEMINATION
XAA -03	42- Month deadline	CAM filing due 6/12		05/01/06	277 Kane CATS EYE/NOE PCT/US02/89255
MSKA-07	MSKA-07	2.5-yr. maint. fee	08/449,886	05/01/06	278 5,848,852 11/15/94 filed 05/17/94
MSKA-42	RACK-AND-PANEL	2.5-yr. maint. fee	09/677,231	07/14/06	279 6,506,065 01/14/2002 filed 09/28/2000
MSKA-02	COMP.	2.5-yr. maint. fee	09/188,915	07/22/06	280 6,508,814 01/22/2002 filed 11/09/1998
XAA -08	GAS ANALYZER	2.5-yr. maint. fee	09/590,321	08/04/06	281 6,527,398 02/04/2002 filed 06/06/2000
XAA -11	CTD SENSOR div'1	2.5-yr. maint. fee	10/010,928	08/04/06	282 6,577,126 06/10/2002 filed 12/06/2001

Deadlines  
bracketing  
Sept. 15

Sept. 15  
deadlines

Extendable deadlines over a month in  
the future, trailing to 2006

~first printout, sixth page~

PAB DEKOR DIV'L	3-8-y.r. maint.	10/010,936	12/10/06	283	4,577,134	08/10/2003	Filed 13/04/2003
PAB/PLUG/RECORD/VIDEO	7-9-y.r. maint.	06/002,828	12/30/04	384	8,918,487	04/29/2008	Filed 03/18/2007
CR Japan CTO case	no later than 4/0/08		04/01/07	285	900,000	exam'd	quarry arrest
REPT WIDNET	7-9-y.r. maint.	06/066,783	04/08/07	286	1,964,487	10/05/1989	Filed 06/09/1986
OCEAN-W/TV 13 EDAR	maint. 05/14/08	06/066,783	05/14/08	287	1,964,487	10/05/1989	Filed 06/09/1986
OCEAN-W/TV 13 EDAR	11-8-y.r. maint.	06/066,783	05/14/08	288	4,647,138	13/14/08	Filed 04/13/07
WAM (reserve)	7-9-y.r. maint.	06/085,472	03/16/07	289	5,068,273	11/07/1989	Filed 06/07/1986
PLD/phone-entry	31-9-y.r. maint.	06/154,384	08/12/07	290	4,577,134	12/12/95	Filed 06/04/96
BARLEY	3-5-y.r. maint.	06/024,022	07/27/07	291	8,483,273	01/27/2004	Filed 06/07/2005
ROSEBORN	3-5-y.r. maint.	06/060,323	07/27/07	292	8,483,273	01/27/2004	Filed 06/07/2005
SMART BRICK	7-9-y.r. maint.	06/178,460	10/25/07	293	6,056,484	04/25/2000	Filed 10/20/1996
servicemark	Soc.6-10 window open	76,045,662	10/29/07	294	6,41,473	10/13/2003	Filed 06/05/2000
KLAR, LINE COUNTER	11-8-y.r. maint.	06/378,551	12/11/07	295	5,824,499	08/11/96	Filed 07/25/94
not entering	3-5-y.r. maint.	06/066,783	12/13/07	296	15,133,000	08/11/96	Filed 07/25/94
PACIFIC	11-8-y.r. maint.	06/304,741	13/18/07	297	5,38,493	06/18/96	Filed 06/23/95
WAM	7-9-y.r. maint.	06/487,067	01/25/08	298	8,093,886	07/25/2000	Filed 06/04/1995
Japan CTO case	Foreign filing due	4/30	04/16/08	299			
SMART CABLE	11-8-y.r. maint.	06/128,984	04/29/08	300	5,076,002	10/25/96	Filed 02/18/94
WAM/TV 13 ACK'D	7-9-y.r. maint.	06/066,783	07/21/08	301	9,916,418	12/31/2001	Filed 06/04/2000
"CAP" HOUSE	7-9-y.r. maint.	06/022,213	09/13/08	302	4,577,134	03/13/2001	Filed 06/05/1997
CLOCK/DIST CONTROL	11-8-y.r. maint.	06/261,768	03/08/08	303	6,445,379	07/08/97	Filed 12/23/95
BARLEY-AND-PANEL	7-9-y.r. maint.	06/073,850	01/17/09	304	6,241,111	07/17/2001	Filed 03/13/1998
SMART	11-8-y.r. maint.	07/771,385	07/27/09	305	5,713,900	01/37/08	Filed 10/03/07
MEDICAL EDAR	7-9-y.r. maint.	06/066,783	12/04/09	306	4,577,134	06/11/96	Filed 03/13/1995
CTO REMON	7-9-y.r. maint.	06/063,849	12/11/09	307	4,604,304	06/11/2002	Filed 10/05/2001
SUCTION BOOST	11-8-y.r. maint.	06/986,294	04/04/10	308	5,834,156	10/04/98	Filed 10/07/97
WIDE JOINT	11-8-y.r. maint.	06/488,986	06/15/10	309	4,648,883	12/15/96	Filed 05/17/96
BARLEY-AND-PANEL	7-9-y.r. maint.	06/077,311	07/14/10	310	6,506,003	01/14/2003	Filed 06/28/2000
SMART	7-9-y.r. maint.	06/066,783	07/21/10	311	6,506,003	01/14/2003	Filed 06/28/2000
GEN ANALYSER	7-9-y.r. maint.	06/000,321	09/04/10	312	5,327,308	07/04/2003	Filed 06/08/2000
CTU REMON DIV'L	7-9-y.r. maint.	10/010,936	13/10/10	313	4,577,134	06/10/2003	Filed 13/06/2003
CTO REMON DIV'L	7-9-y.r. maint.	10/010,936	13/10/10	314	4,577,134	06/10/2003	Filed 13/06/2003
PAB/PLUG/RECORD/VIDEO	11-8-y.r. maint.	06/002,828	13/30/10	315	3,918,807	06/29/1989	Filed 03/19/1987
REPT WIDNET	7-9-y.r. maint.	06/066,783	04/08/11	316	1,964,487	10/05/1989	Filed 06/09/1986
OCEAN-W/TV 13 EDAR	11-8-y.r. maint.	06/066,783	05/14/11	317	4,608,372	11/11/2003	Filed 06/07/1995
TABLES	7-9-y.r. maint.	06/485,492	07/27/11	318	6,682,317	01/27/2004	Filed 06/07/1995
ROSEBORN	7-9-y.r. maint.	06/010,520	08/17/11	319	6,697,686	02/17/2004	Filed 06/08/2005
SMART BRICK	11-8-y.r. maint.	06/729,466	10/25/11	320	6,054,844	04/28/2000	Filed 10/20/1996
WAM W/TV							
"CAP" HOUSE	11-8-y.r. maint.	06/022,213	08/12/13	321	4,577,134	03/13/2001	Filed 06/05/1997
BARLEY-AND-PANEL	11-8-y.r. maint.	06/073,850	01/17/13	322	6,241,111	07/17/2001	Filed 03/13/1998
MEDICAL LITBAR	11-8-y.r. maint.	06/058,716	12/04/13	324	6,406,396	06/04/2002	Filed 11/21/2005
CTO REMON	11-8-y.r. maint.	06/063,846	12/11/13	325	4,604,304	06/11/2002	Filed 10/05/2001
BARLEY-AND-PANEL	11-8-y.r. maint.	06/073,850	07/14/14	326	6,506,003	01/14/2003	Filed 06/28/2000
CONT.	11-8-y.r. maint.	06/018,919	07/21/14	327	4,508,814	06/21/2003	Filed 11/01/1998
GAS ANALYSER	11-8-y.r. maint.	06/090,321	09/04/14	328	5,377,308	02/04/2003	Filed 06/08/2000
CTU REMON DIV'L	11-8-y.r. maint.	10/010,936	12/10/14	329	4,577,134	06/10/2003	Filed 13/06/2003
CTU REMON DIV'L	11-8-y.r. maint.	10/010,936	12/10/14	330	4,577,134	06/10/2003	Filed 13/06/2003
TABLES	11-8-y.r. maint.	06/066,783	07/27/15	331	6,682,317	01/27/2004	Filed 06/07/1995
ROSEBORN	11-8-y.r. maint.	06/010,520	08/17/15	332	6,682,317	01/27/2004	Filed 06/07/1995

Another section heading, internal deadlines  
over a month in the future

[illegible]

**Detail  
deadline  
entries  
bracketing  
Sept. 15**



**KEY again, for second (August 16) printout**

- |  |   |  |
|--|---|--|
| A. STATUTORY deadlines within 30 days    | B. EXTENDABLE deadlines within 30 days    | C. Internal deadlines within 7 days    |
| D. STATUTORY deadlines over 30 days away | E. EXTENDABLE deadlines over 30 days away | F. Internal deadlines over 7 days away |

07:13

**DATE of SECOND printout**

8/19/05 x AAA-03 refinements

**hand-markings to add in next update**

as these deadlines are (see definitions above) type A

DA FILED 9/7	STAT. correction of time/shipment	09/22/05	2 08/10,260 MEDIA-POINT COMMERCIAL'S	\$875		
AUA -24	status?	Net / Reg? Filing	085 086 087 160	09/11/05	3 Name DOT OPTICAL SMOG	BILL ARNETT
AUA-25	on final? APPEAL:	AO <= NO. STAT.		04/04/03	6 08/775,771 THUR 280M DIRM	

as these deadlines are (non definitions above) type 3

**Section headings stating entry types A or B**

[illegible]

XDC-74	check status	12/7/04 issue fee pd	06/23/05	21	LIGAR INDEPENDENT OR CITY
XDC-75	Permitation	Filed 12/15/04	05/22/05	22	06/013,406 IRE PERUSHER
XDC-76	Alisa's gts filed	8/26, needs plan, before, going to examiner	05/21/05	23	06/012,200 BACX AND PARUL
XDC-77	ALISA/ESU y/dsation	apcimens show. use	03/23/05	24	11/023,295 ANIM/PAHLEU COST
XDC-78	AIR & LEAS	apcimens show. use	03/23/05	25	23,328,941 02/15/2000 filed 04/26/1999
XDC-79	PL to chk pedlogos		03/23/05	26	2,338,542 05/15/2000 filed 04/26/1999
XDC-80	CORE 43 DVI/V 47	mail reply to client	06/23/05	27	06/013,406 IRE PERUSHER
XDC-81	Alsup w/4741	Alsup w/4741	06/23/05	28	06/013,406 IRE PERUSHER - Also 449
XDC-82	On final, APPEAL	2mo, ext & APPEAL/1	05/21/05	29	06/012,200 BACX AND PARUL
XDC-83	5/322 Warning!	Issa GDC/pwr drive/g	03/23/05	30	06/019,107 META-IMP CALER
XDC-84	Issue fee pd 4/24/04	PATENTED 10/7/04	04/24/05	31	11/131,554 CATS EDP/NER
XDC-85	check with HP on eta	status of missing parts in PAIR	05/23/05	32	12/26,812 WHITE-DROP MARK
XDC-86	check with HP on eta	status of missing parts in PAIR	05/23/05	33	11/094,766 PROGRESSIVE MARK
XDC-87	status with HP on eta	status of missing parts in PAIR	05/23/05	34	06/012,200 BACX AND PARUL
XDC-88	get entered into	PAIR system	05/23/05	35	35 KANE CIRCULATING MICROFOLIO 10/265,277
XDC-89	Arrete DO fees for	Amnition Pay Planner	06/23/05	36	Watter PERUSHER
XDC-90	Check PAIR restra	some done on 7/25	03/23/05	37	
XDC-91	file MEM provisional	new file in cabinet	05/23/05	38	Multispec/MS/NO? McLean
XDC-92	Statutory fee issued	9/21 send back PAIR	05/23/05	39	11/029,276 KANE KACRODUP
XDC-93	How to get IN doc to WCI?		05/23/05	40	
XDC-94	RDG	Cindy one	05/23/05	41	
XDC-95	Query	Neal's want up ?	05/23/05	42	ACTIVE WND W/O/VOLG. PROT/M (Ty Williams)
XDC-96	Ask entry ready to issue	6/15/04: PAID 11/1	06/23/05	43	10/132,747 SMART BACX
XDC-97	Status?	OK file request w/41	05/23/05	44	06/019,107 META-IMP CALER 60990045-1
XDC-98	file MEM provisional	new file in cabinet	05/23/05	45	KANE NO OTHERS
XDC-99	Request for Court's	Piling Receipt NO Attorney see OH	05/23/05	46	
XDC-100	study Stanley case	Study Neal's case	05/23/05	47	Stanley Home Automation
XDC-101	status??	PL investigate	05/23/05	48	GPR/GDC: study status
XDC-102	CA mailed 4/28	EP case	05/23/05	49	ARAL-ONE COMPOS. CODESTRIP 6046001-2 (EPD)
XDC-103	1-mo Warning (du:du)	9/38: ulain's reject 1/dec/pwr 410/290108	05/23/05	50	Great FLOUNDER/CRIC-LEIC AND LONER W/41
XDC-104	Bill Brooke		05/23/05	51	Fw/400b, HIAI, ERIC & Lois on W/41
XDC-105	Hi inf's.	KCT/7/04	05/23/05	52	Q/4 fractional of time for res.ment. & 55 det
XDC-106	Final: CA	3-mo reply due 5/31	05/23/05	53	04/067,424 AAA
XDC-107	Query EP about	divisional applic	05/23/05	54	06/043,417 013 DO
XDC-108	check status of 21	EP case cases in PAIR	05/23/05	55	06/012,200 BACX AND PARUL
XDC-109	file MEM provisional	new file in cabinet	05/23/05	56	06/012,200 BACX AND PARUL
XDC-110	Responses from Jompt	see email 7/26	05/23/05	57	10/280,108 WITRATN SENSE
XDC-111	UP/PAIR/GDent dact	patent issued 3/1	05/23/05	58	10/373,219 Garde PATY MASHU/LEADER 7777
XDC-112	Worked Assignment		05/23/05	59	11/029,276 KANE KACRODUP
XDC-113	Worked Assignment		05/23/05	60	11/029,276 KANE KACRODUP
XDC-114	file assignment	have material assign for net/regional	05/23/05	61	12/094,766 PROGRESSIVE MARK
XDC-115	assignment done	159u fee pd 1/21	05/23/05	62	06/019,107 META-IMP CALER
XDC-116	file assignment	Missu Montan	05/23/05	63	04/020,804-1 PROGRESSIVE MARK
XDC-117	file MEM provisional	new file in cabinet	05/23/05	64	Kane/SHym/CO REPHINERS/MS
XDC-118	On final, APPEAL	2mo, ext & APPEAL/1	05/23/05	65	06/012,200 BACX AND PARUL
XDC-119	CK 5545 in PAIR	doctored new case	05/23/05	66	601041254-2 RUCH AP WORK/TON 10/24,464

**These deadlines —  
all before Sept. 15 (extendable)**

~first page of SECOND printout~

**More extendable deadlines  
within one month**

**RECORD number listing continues**

0001-78	1w/mile's pte.	Filed 5/8 Status?	09/07/05	54 11/043,587 GAPANA HEAN-FIELD HALPTONE
0002-57	if on final, APPEAL?	3-mo. ext. & APPEAL?	09/07/05	60 09/046,034 CLE AUTOTRIGGER
0002-58	Mail patents to HP	OR Arete	09/08/05	70 10/349,063 Sequencia CONSENTIT RTQ
XAA -50	1-mo Warning OA due	10/4 Olsie rejection drawings	09/08/05	71 10/155,745 MASC
XAA -42	OA reply Filed 5/8	reclassification requir't STATUS? BILL ARTE	09/08/05	72 10/380,109 GREER METRATRE SEXUOR
XAA -43	study HERAC TM report	Get back to DaveKane w/assessment	09/08/05	73 CATS EYE TRADEMARK
XAA -41	105	app filed 6/13/05	09/08/05	74 11/151,594 Kena OPTICAL SYSTEM
0002-31	OA reply		09/10/05	75 09/843,415 MULTILAYER HP+SP
XAA -23	INCORP'te reply fees status		09/11/05	76 11/015,885 STILL KONG
XAA -09	BILL ARTE	3.5 yr maint fees due 12/4 6,400,398 fee 6/8/03	09/11/05	77 09/856,718 Filed 11/31/05
XAA -60	BILL ARTE	3.5 yr maint fee due 12/11 6,404,304 (8/11/03)	09/11/05	78 09/751,849 Filed 5/1/00
0004-50	1-mo Warning!	regular-up 10/3 FLAG 1 -- Hende CLAIMS!	09/12/05	79 40/415,870 TORREADE QUIZ-DISCONNECT
0002-26	Status?	appeal brief	08/12/05	80 09/688,610 Donovan MODIFIED MATRIX
XAAA-03	2-mo reply	final rejection	09/13/05	81 09/886,058 DISPARC DRAFT ON response
XAA -25	Missing Parts	CA 10/12 HANDLING!	09/13/05	82 11/181,645 Petcar WAVELENGTH CONVERTER
XAA -13	2-mo reply	final rejection	09/13/05	83 10/033,330 Partridge CTD cont.
0002-32	Status?OA filed 6/18 PL resolved	Fig. problem	09/14/05	84 09/775,771 GIL TUBE 2dc PIPE 60303108-1
0003-	777	PL calendar: no ext for forwels anymore!	09/14/05	85
0002-40	2-mo reply to final rejection	DAF 6/28 4001982-1	09/14/05	86 09/874,324 Lannane ABR
XAA -35	Status?	093 494 495 496 HIL/KW phase	09/15/05	87 Petcar DCB WAVELENGTH CONVERTER Filed 7/11
XAA -54	Status? US/GB cases	AUS resp. due 2/10/6 AUS pat. 2001283850	09/15/05	88 Glickler MULTE SLIT LIDAR

**Extendable  
Sept. 15  
deadlines**

\*\* These deadlines are (see definitions above) Type C

08/18/05

**Section heading for  
internal deadlines**

**Blank record (harmless),  
made inadvertently**

Another section heading: deadlines over a month away, not extendable

RECORD-number sequence continues

# DEADLINE dates

Deadlines just after Sept. 15

\*\* These deadlines are (see definitions above) Type 0

XAA -37	on final? APPEAL: OA 6-mo. STAT.	08/16/05
XUD-43	on final? APPEAL: OA 6-mo. STAT.	08/23/05
XUD-5	OO STRATIS/STP	08/25/05
XNO-50	file regular exp -on U.S., PCT A/mr for'n	10/03/05
XAA -38	on final? APPEAL: OA 6-mo. STAT.	10/08/05
XUD-57	on final? APPEAL: OA 6-mo. STAT.	10/07/05
XUD-28	filed REC. LON. LANCING	10/12/05
XSD-07	LCQ DIAG COMPT'N/H 12th-yr. maint. fee	07/705,746 toll RMA!
XAA -28	3rd Warning! prov'l expires 1/13/06	10/13/05
XAA -30	on final? APPEAL: OA 6-mo. STAT.	10/13/05
XAA -19	on final? APPEAL: OA 6-mo. STAT.	10/21/05
XUD-03	HEALTHCARE AUDITING 10-year renewal	74/356,218
XUD-30	on final? APPEAL: OA 6-mo. STAT.	11/09/05
XAA -37	OA filed 5/16	STATUS?
XUD-44	on final? APPEAL: OA 6-mo. STAT.	11/16/05
XUD-28	on final? APPEAL: OA 6-mo. STAT.	11/16/05
XAA -37	LCQ MAINTENANCE foreign filing	due 12/27
XUD-31	on final? APPEAL: OA 6-mo. STAT.	11/16/05
XAA -28	10th Warning! prov'l expires 1/13/06	12/13/05
XAA -30	10th Warning! prov'l expires 1/13/06	12/13/05
XUD-40	10th Warning! prov'l expires 1/13/06	12/13/05
XAA -38	10th Warning! prov'l expires 1/13/06	12/13/05
XAA -37	10th Warning! prov'l expires 1/13/06	12/13/05
XAA -42	on final? APPEAL: OA 6-mo. STAT.	12/13/05
XAA -30	on final? APPEAL: OA 6-mo. STAT.	12/13/05
XAA -38	FILE REG APPLIC'N prov'l expires 1/13	12/13/05
XAA -30	FILE REG APPLIC'N prov'l expires 1/13	12/13/06
XAA -83	on final? APPEAL: OA 6-mo. STAT.	12/13/06
XUD-80	foreign filing due	12/13/06
XUD-79	foreign filing due	12/13/06
XUD-03	foreign filing due	12/13/06
XUD-03	foreign filing due	12/13/06
XUD-42	on final? APPEAL: OA 6-mo. STAT.	12/13/06
XAA -25	on final? APPEAL: OA 6-mo. STAT.	12/13/06
XAA -44	AUS response DUE	AUS pat. 200328550
XAA -43	foreign filing	12/13/06
XUD-07	SEC-0-15 DEADLINE	75/692,042
XUD-04	SEC-0-15 DEADLINE	75/692,043
XAA -05	MEDICAL LIDAR 4th-yr. maint. fee	08/556,735
XAA -69	CTO SENSOR 4th-yr. maint. fee	08/563,849
XAA -83	foreign filing	12/13/06
XUD-14	ELECTRON. KEY UTIL 12th-yr. maint. fee	08/563,849
XAA -93	Warning! deadline to enter COM. nat. phone based on 00/440,393	12/13/06
UDN-07	MAGNETIC LINES 12th-yr. maint. fee	07/950,474
XAA -47	1/4 new provisions! filed 5/11/05	10/06/06
XUD-08	HORTON ROOST 4th-yr. maint. fee	08/564,294
XUD-10	WINDS JUNGLE 8th-yr. maint. fee	08/564,296
XUD-42	RACE-ANO-PANEL 4th-yr. maint. fee	08/477,331
XUD-03	COMB 4th-yr. maint. fee	08/488,915
XUD-03	FIELD and design 10-yr. renewal	75/047,143
XAA -55	CAS ANALYSIS 4th-yr. maint. fee	08/590,321
XAA -11	CTO SENSOR DIV'L 4th-yr. maint. fee	10/010,036
XAA -11	CTO SENSOR DIV'L 4th-yr. maint. fee	10/010,036
XUD-13	PAD/PHOTO/PHENOMA 8th-yr. maint. fee	08/603,438
XAA -15	PEACE WINDST 8th-yr. maint. fee	08/708,784
XAA -05	OCEAN-VOL. LIDAR 12th-yr. maint. fee	08/046,325
UDN-20	WAMP (reserve) 8th-yr. maint. fee	08/485,473
XUD-08	LCQ/phone-antny 12th-yr. maint. fee	08/234,394
ASST-08	Exam request DEADLINE AUS	12/13/07
UDN-19	COLES 4th-yr. maint. fee	08/485,492
XAA -31	ROBBERSON 4th-yr. maint. fee	08/530,466
XUD-38	SHOARD BRICE 8th-yr. maint. fee	08/730,466
XAA -06	Japan CTO name foreign filing DUE	12/13/07
XUD-07	RELICIO STRASSA/J 12th-yr. renewal	75/247,217
UDN-14	MACH. LINE CONTR'L 12th-yr. maint. fee	08/270,551
XAA -02	PERISCOPE 12th-yr. maint. fee	08/294,241
UDN-17	WAND 8th-yr. maint. fee	08/487,067
XUD-06	SHUFF 10-yr. renewal	75/290,732
XUD-10	SMART CABLE 12th-yr. maint. fee	08/198,094
XAA -72	SERVICEMARK 6th-8-15 DEADLINE	76/045,662
UDN-14	renewal DEADLINE	12/13/07
UDN-17	WAND 1/70 8th-yr. maint. fee	08/280,941

00 11/039,042	SHIPPERS/STP	08/16/05
01 09/916,307	MEDIA-LED CALAN	08/23/05
02 08/25/05		08/25/05
03 based on 06/615,470	THEARLEIGH OUSE-DISCONNECT	10/03/05
04 11/023,299	SHIPPERS/STP	10/08/05
05 09/045,034	CLC AUTOMATED	10/07/05
06 09/045,034	CLC AUTOMATED	10/12/05
07 5,252,955	10/12/93 filed 05/24/91	10/13/05
08 06/642,867	Kane QUAD CELL HDR	10/13/05
09 06/642,869	Kane QUAD CELL HDR	10/13/05
10 06/642,869	Kane QUAD CELL HDR	10/13/05
101 1,931,905	10/12/98 filed 02/05/97	10/21/05
102 08/642,817	CELL DR	11/09/05
103 11/023,042	ANTIPHILIC DIV'L	11/16/05
104 09/045,492	VICED CO	11/16/05
105 09/045,418	UPPER DR	11/16/05
106 11/023,042	U.S. SHIPPERS/STP "Jumbo" divisional.	12/06/05
107 09/642,436	MULTI-LEVEL UPDR	12/13/05
108 06/642,867	Kane QUAD CELL HDR	12/13/05
109 06/642,865	Kane QUAD CELL HDR	12/13/05
110 09/074,324	LAURENCE ADM	12/13/05
111 11/043,772	LATENT PRINTING	12/13/05
112 11/023,299	SHIPPERS/STP	12/13/05
113 11/023,042	SHIPPERS/STP	12/13/05
114 10/266,108	HEATSE SENSOR	01/08/06
115 10/155,945	MASC	01/08/06
116 06/642,867	Kane QUAD CELL HDR	01/12/06
117 06/642,869	Kane QUAD CELL HDR	01/12/06
118 11/251,984	CATS REUSE	01/12/06
119 11/043,772	LATENT 13 PRINTING	01/12/06
120 11/043,772	LATENT 13 PRINTING	01/12/06
121 5,712,900	01/27/96 filed 10/02/91	01/27/06
122 09/074,324	AER	01/28/06
123 11/181,665	FETTER WAVELENGTH CONVERTER	02/12/06
124 SHIPPERS/STP MULT LIDAR		02/12/06
125 11/023,299	SHIPPERS/STP	02/12/06
126 2,329,543	03/16/2000 filed 04/26/1999	03/18/06
127 2,329,543	03/16/2000 filed 04/26/1999	03/18/06
128 6,400,176	02/04/2000 filed 11/13/1999	06/04/06
129 4,404,204	04/12/2000 filed 09/04/2000	06/04/06
130 11/131,584	CATS REUSE	06/12/06
131 5,122,902	06/21/94 filed 06/22/92	06/21/06
132 PCT/US047000495	PATENT WAVELENGTH CONVERTER	07/15/06
133 5,331,981	07/16/94 filed 07/28/92	07/26/06
134 KANE PROCTOR		08/13/06
135 5,816,356	10/04/98 filed 10/07/97	10/06/06
136 8,848,852	12/18/98 filed 05/12/96	12/15/06
137 6,004,045	01/16/2001 filed 09/28/2000	01/16/07
138 6,808,814	03/11/2001 filed 11/08/1998	01/21/07
139 2,006,588	03/19/97 filed 01/25/96	02/16/07
140 2,034,592	03/18/97 filed 01/23/96	02/16/07
141 6,527,398	07/04/2003 filed 06/20/2000	03/04/07
142 6,577,114	10/12/2000 filed 12/04/2001	06/10/07
143 6,577,114	06/21/94 filed 12/06/2001	06/10/07
144 5,815,887	03/19/98 filed 02/11/1997	06/26/07
145 5,663,657	03/09/1998 filed 09/08/1996	06/26/07
146 5,667,332	11/14/95 filed 04/12/93	06/26/07
147 5,006,132	12/16/1998 filed 06/01/1995	11/16/07
148 5,475,741	12/23/95 filed 06/06/94	12/12/07
149 12/13/07		12/13/07
150 6,682,317	01/27/2004 filed 06/07/1995	01/27/08
151 6,692,666	02/17/2004 filed 06/18/1996	02/17/08
152 6,054,446	04/25/2000 filed 10/19/1996	04/25/08
153 01/042,714	CTO SENSOR	04/25/08
154 2,105,482	03/05/98 filed 03/11/97	05/03/08
155 5,204,498	06/11/94 filed 07/20/94	06/11/08
156 5,524,455	06/18/96 filed 06/22/94	06/18/08
157 6,093,989	07/25/2000 filed 06/20/1995	07/25/08
158 2,184,468	05/15/98 filed 02/11/1997	08/19/08
159 5,076,700	10/29/90 filed 02/18/91	10/29/08
160 2,641,672	10/29/2000 filed 05/28/2000	10/29/08
161 "NAME COLLECTION" req 1,510,706	11/17/98	11/01/08
162 4,876,836	01/22/2001 filed 06/08/1995	01/22/09

Nonextendable deadlines over a month away, trailing to 2009 (end of report omitted)

# Again, KEY to entry types stated in section headings

A. STATUTORY deadlines within 30 days	B. EXTENDABLE deadlines within 30 days	C. Internal deadlines within 7 days
D. STATUTORY deadlines over 30 days away	E. EXTENDABLE deadlines over 30 days away	F. Internal deadlines over 7 days away

Record numbers  
starting 3rd printout

ASSIGNMENTS ALL

DATE of 3rd printout

Case Name	Deadlines are (see definitions above) type A	to	by	date	1
W-81	Revise claim back 7/27/2010	to	by	08/24/08	1
W-81	On filed 5/5	to	by	09/05/05	2
W-81	On filed 5/5	to	by	09/05/05	3
W-81	On filed 5/5	to	by	09/05/05	4
W-81	On filed 5/5	to	by	09/05/05	5
W-81	On filed 5/5	to	by	09/05/05	6
W-81	On filed 5/5	to	by	09/05/05	7
W-81	On filed 5/5	to	by	09/05/05	8
W-81	On filed 5/5	to	by	09/05/05	9
W-81	On filed 5/5	to	by	09/05/05	10

## Section headings, stating entry types (A or B)

Case Name	Deadlines are (see definitions above) type A	to	by	date	1
W-81	Revise claim back 7/27/2010	to	by	08/24/08	1
W-81	On filed 5/5	to	by	09/05/05	2
W-81	On filed 5/5	to	by	09/05/05	3
W-81	On filed 5/5	to	by	09/05/05	4
W-81	On filed 5/5	to	by	09/05/05	5
W-81	On filed 5/5	to	by	09/05/05	6
W-81	On filed 5/5	to	by	09/05/05	7
W-81	On filed 5/5	to	by	09/05/05	8
W-81	On filed 5/5	to	by	09/05/05	9
W-81	On filed 5/5	to	by	09/05/05	10

hand entries for use in next update

4/5/05 6574 872

8/23/05

8/23/05

8/23/05

~ first page of third printout ~  
(August 3)

Exhibit A -- page 10 of 13

Sequence of deadline DATES and RECORD numbers continues from first page of printout

59	Mail patents to HP	or Arete	09/04/05	61 10/349,043 Sequence Constrct RPO
50	1-no Warning OA due	10/8 claim rejection drawings	09/08/05	60 10/155,745 NAC
51	OA reply filed 5/8	rejection require status? BILL ARETE	09/09/05	70 10/290,109 Other NITRATE SENSOR
52	addy WERAC 7th report	Get back to Revvafesa w/assessment	09/09/05	71 CATS EYE TRANSPIRER
53	100	app filed 8/13/05	09/09/05	72 11/151,594 Kena OPTICAL SYSTEM
54	100		09/10/05	73 09/443,416 MULTILEVEL WT+SP
55	100		09/11/05	74 11/015,285 SYL NERN
56	100		09/11/05	75 11/034,716 filed 11/13/05
57	100		09/11/05	76 09/151,849 filed 5/1/00
58	100		09/12/05	77 06/415,470 THERAQUA QUIT-DISCONNECT
59	100		09/12/05	78 09/488,610 Denovan MODIFIED MATRIX
60	100		09/12/05	79 09/866,859 DISTARS DRAFT OA response
61	100		09/12/05	80 11/181,465 POTENT NAVELANDIN CONVERTER
62	100		09/12/05	81 10/013,120 Fingerprint CTD cont'
63	100		09/14/08	82 09/775,771 GIL TREE 23c PIPE 60003199-1
64	100		09/14/05	83
65	100		09/14/05	84 09/874,524 Lammens ARB
66	100		09/14/05	85 Done???
67	100		09/15/05	86 Peter PCT Navelandin Converter filed 7/14
68	100		09/15/05	87 Gleichel MULLI SLIT LIDAR
69	100		09/15/05	88 09/874,524 Lammens ARB
70	100		09/15/05	89 11/033,042 Lubard SHIPSHIELD diurnal
71	100		09/15/05	90 236 230 231 246 248 252 257 261 RPD counters
72	100		09/16/05	91 Gleichel U. K. plume-elit SYL NLD ARMT
73	100		09/16/05	92 09/945,492 Elitel CC
74	100		09/16/05	93
75	100		09/16/05	94
76	100		09/16/05	95
77	100		09/16/05	96 10/365,777 CIRCUMFAR WICHO
78	100		09/16/05	97 09/443,416 INTRAPAD
79	100		09/16/05	98 11/151,594 CATS EYE/RSR
80	100		09/16/05	99 10/155,745 NAC
81	100		09/16/05	100 10/290,109 NITRATE SENSOR

Sept. 15 deadlines

TS 1953  
\$ +50. -12/16  
450. -12/13  
TS 1354

Section heading, internal deadlines within 7 days

100	add sub-je	End/dabag acont.syst	08/25/05	100
101	add sub-je	Revise fee K.	08/25/05	101 10/349,043 Sequence Constrct RPO
102	add sub-je	A calendar new fligs CHECK ALL CASES!	08/25/05	102 add auth'n for monthly wsl. after "n" days.
103	add sub-je		08/25/05	103 KULLI 40 (New system should check from case)
104	add sub-je		08/25/05	104 avianis AFFIRMANTS
105	add sub-je		08/25/05	105
106	add sub-je		08/25/05	106 10/290,109 NITRATE SENSOR

hand entries for use in next update

# Section heading, nonextendable deadlines over 1 month away

## Deadline dates

• These deadlines are (see definitions above) type D

1000-	DO STATUTORY	file regular app	-In U.S., WCT 8/08 Soc	08/25/05	107
KSCB-30				08/05/05	108 based on 60/815,670 THREADED QUIN-DISCONNECT
KAA-38	on final? APPEAL	DA 6-mo. STAT.		10/05/08	109 11/032,399 SHIPFIELD CONT
KMP-57	on final? APPEAL	DA 6-mo. STAT.		10/05/08	110 08/948,024 CLE AUTOMOTIVE
KSP-67	filed REC 108 amend	on 8/11 STATUS?		10/12/05	111 09/488,610 DONORW MODIFIED MATRIX
LCD Disp CONTIN'G	12th-yr. maint. fee		07/705,346 call SNA	10/12/05	112 8,285,855 10/13/91 filed 05/24/91
KAA-39	Two Warning prov'l	expiries 1/13/06		10/13/05	113 66/642,667 Kane QUAD CELL RMR
KAA-39	3 no Warning prov'l	expiries 1/13/06		10/13/05	114 60/642,668 Kane ARMS WAIVERPORT SENSOR
KAA-39	on final? APPEAL	DA 6-mo. STAT.		10/21/05	115 10/365,277 CIRCULATING MICRO
K00-03	HARTMANE reexaminer	10-year renewal	74/356,218	10/21/05	116 1,831,905 10/31/95 filed 02/05/95
KSP-10	on final? APPEAL	DA 6-mo. STAT.		11/09/05	117 08/642,617 GIL CO
KAA-37	DA filed 5/16	STATUS?		11/16/08	118 11/032,042 SHIPFIELD div'l
KMP-28	on final? APPEAL	DA 6-mo. STAT.		11/19/05	119 09/945,492 Biffel OC
KMP-28	on final? APPEAL	DA 6-mo. STAT.		12/21/05	120 09/642,618 INTRADAP
KAA-37	1-mo. Warning	foreign filing	due 12/27	12/26/05	121 11/032,042 U.S. SHIPFIELD*Jumbo* divisional
KMP-31	on final? APPEAL	DA 6-mo. STAT.		12/31/05	122 08/642,618 BULLYBEE HTSP
KAA-38	Two Warning prov'l	expiries 1/13/06		12/13/05	123 66/642,667 Kane QUAD CELL RMR
KAA-38	1 no WARNING prov'l	expiries 1/13/06		12/13/05	124 60/642,668 Kane ARMS WAIVERPORT SENSOR
KMP-40	1-mo. PLAGI	DA 6-mo. STAT.	60018993-1	12/17/05	125 09/874,334 Lemmens ARS
KMP-80		foreign filing due	filing date 12/25/05	12/26/05	126 12/042,772 LAYOFF PAIRING
KAA-37		foreign filing		12/27/05	127 11/032,399 SHIPFIELD CONT
KAA-37		foreign filing		12/27/05	128 11/032,042 SHIPFIELD div'l
KAA-42	on final? APPEAL	DA 6-mo. STAT.		12/28/05	129 10/250,108 KINSTATE SENSOR
KAA-50	on final? APPEAL	DA 6-mo. STAT.		01/08/06	130 10/165,745 NACZ
KAA-50	FILE REC APPLIC'N	prov'l expiries 1/13		01/12/06	131 40/642,607 Kane QUAD CELL RMR
KAA-50	FILE REC APPLIC'N	prov'l expiries 1/13		01/12/06	132 60/642,688 Kane ARMS WAIVERPORT SENSOR
KAA-83	on final? APPEAL	DA 6-mo. STAT.		01/12/06	133 11/351,594 CATS EYE/PM
KMP-80	foreign filing due			01/26/06	134 11/042,732 LATENT IZ PRINT'G
KMP-79	foreign filing due		200300585179	01/26/06	135 11/042,732 LATENT IZ PRINT'G
VITE-03	PROFIT	8th-yr. maint. fee	07/771,395 call SNA	01/27/06	136 8,713,890 01/27/98 filed 10/05/91
KMP-40	on final? APPEAL	DA 6-mo. STAT.		02/12/06	137 09/874,334 ARS
KAA-25	on final? APPEAL	DA 6-mo. STAT.		02/12/06	138 11/01,665 Petstar NAVELINKS CONVERTER
KAA-34	AUS response CUE		AUS pat. 200128850	01/19/06	139 blockier MISTI HIT LIDAR
KAA-61		foreign filing		02/22/05	140 11/035,748 LIDAR follow-on
KMP-07	AIKALDES w/design	SEC-8-15 DEADLINE	75/692,043	02/22/05	141 3,339,841 03/23/2000 filed 04/30/1999
KMP-06	AID 4 LEO	SEC-8-15 DEADLINE	75/692,043	03/19/08	142 3,339,841 03/23/2000 filed 04/30/1999
KAA-09	MEDICAL LIDAR	4th-year maint. fee	08/556,716	04/04/06	143 4,400,286 06/04/2002 filed 11/13/1995
KAA-69	CTD SENSOR	4th-year maint. fee	09/562,899	08/11/06	144 4,400,286 06/11/2002 filed 05/21/2000
KAA-83		foreign filing		08/13/06	145 11/151,594 CATS EYE/PM
KMP-18	ELECTRONIC VET UTIL.	12th-yr. maint. fee	09/802,481	08/13/06	146 5,322,992 08/21/98 filed 06/23/92
KAA-85	Warning deadline to enter CAN met. phase	based on 60/440,303		07/15/06	147 PCT/0504000099 Petstar NAVELINKS CONVERTER
LIDR-07	MAGNETIC LINKS	12th-yr. maint. fee	07/952,471	07/26/08	148 5,333,861 07/28/94 filed 09/28/92
KAA-67	1/4 new provisional	filed 5/11/05		08/11/06	149 Kane PROJECTION
KMP-08	SUCTION BOOST	8th-yr. maint. fee	08/948,294	10/16/06	150 5,816,156 10/09/98 filed 10/07/97
KMP-08	VIDEO JUMP	8th-yr. maint. fee	08/648,886	12/18/06	151 5,448,852 11/21/98 filed 08/17/96
KMP-62	BACK-AND-PANEL	4th-year maint. fee	09/477,331	01/14/07	152 5,806,045 01/14/2003 filed 08/28/2000
KMP-02	CONT.	4th-year maint. fee	08/918,815	01/21/07	153 5,806,814 01/21/2003 filed 11/08/1998
KMP-02	KING	10-year renewal	70/047,143	02/18/07	154 2,008,583 02/18/97 filed 01/23/96
KMP-03	KING and design	10-year renewal	75/047,142	02/18/07	155 2,008,582 02/18/97 filed 01/23/96
KAA-55	CAE ANALYT	8th-yr. maint. fee	09/590,321	02/19/07	156 5,322,992 08/21/98 filed 06/28/2000
KAA-11	CTD SENSOR div'l	4th-year maint. fee	10/010,938	06/10/07	157 5,377,334 06/10/2003 filed 12/06/2001
KAA-11	CTD SENSOR div'l	4th-year maint. fee	10/010,938	06/10/07	158 5,377,334 06/10/2003 filed 12/06/2001
KMP-13	PAD/PLENUM/PNEUMA	8th-yr. maint. fee	08/802,628	06/28/07	159 5,915,887 06/28/1999 filed 02/18/1997
KAA-15	PRINT WIDING	8th-yr. maint. fee	08/708,765	10/05/07	160 5,963,595 10/05/1998 filed 09/09/1996
KMP-05	CELESTIAL LIDAR	8th-yr. maint. fee	09/048,335	11/15/07	161 5,487,132 11/15/99 filed 06/11/92
LIDR-10	WAND (RESEVER)	12th-yr. maint. fee	09/485,473	11/22/07	162 5,888,372 11/18/1989 filed 06/07/1995
ABSI-09	LCD/phone-entry	12th-yr. maint. fee	08/834,394	12/14/07	163 5,475,741 12/12/95 filed 04/04/94
KAA-86	Exam Request	DEADLINE AUS		12/13/07	164
LIDR-16	TANKLES	4th-yr. maint. fee	08/485,492	01/27/08	165 4,882,217 01/27/2004 filed 06/07/1995
KMP-11	WFOODSINK	8th-yr. maint. fee	09/100,526	02/17/08	166 4,482,486 02/18/2000 filed 06/18/1998
KMP-38	SMART BRICK	8th-yr. maint. fee	09/759,440	04/23/08	167 6,054,846 04/23/2000 filed 06/28/2000
KAA-06	Japan CTD case	foreign filing DUE		04/30/08	168 01/862,74 CTD SENSOR
KMP-07	MEDICO EXPRESS/D	10-year renewal	75/267,217	09/03/08	169 2,134,873 05/04/98 filed 07/11/97
LIDR-14	MAGE, LINK CONTIN	12th-yr. maint. fee	08/279,551	06/11/08	170 5,524,495 06/11/99 filed 07/25/94
LIDR-02	EDUCO/COVE	8th-yr. maint. fee	08/394,241	06/18/08	171 5,528,492 06/18/99 filed 06/23/94
LIDR-18	WAND	8th-yr. maint. fee	08/487,067	07/23/08	172 6,085,085 07/23/2000 filed 06/06/1995
KMP-04	KEJICO	10-year renewal	75/250,732	09/15/08	173 2,186,858 08/15/1998 filed 02/11/1997
KMP-30	SMART CABLE	12th-yr. maint. fee	08/188,994	10/29/08	174 5,700,003 10/29/98 filed 02/18/94
KAA-32	SERVICE/ARK	SEC-8-15 DEADLINE	76/045,682	03/23/08	175 2,441,473 10/29/2003 filed 05/09/2000
KMP-04	REMOVAL DISOLVER	renewal DISOLVER		11/01/08	176 WAD COLLECTION* rev 1,510,706 11/1/98
LIDR-17	WAND w/UT	8th-yr. maint. fee	08/480,561	12/23/08	177 6,376,416 01/23/2001 filed 08/06/1995
KMP-07	"CAP" NOISE	8th-yr. maint. fee	08/923,213	03/13/09	178 6,199,875 03/13/2001 filed 09/03/1997
KMP-09	CLOC/OUT CONTROL	12th-yr. maint. fee	08/863,788	07/08/09	179 8,865,376 07/08/97 filed 11/12/85

DATES of these deadlines  
-- ALL after September 15

~third page of third (August 25) printout~





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## UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Paper No. 21

**PETER I. LIPPMAN**  
**4385 OCEAN VIEW BLVD.**  
**MONTROSE, CA 91020**

**COPY MAILED****JUL 15 2005****OFFICE OF PETITIONS**

In re Application of :  
Bowker et al. :  
Patent No. 5,467,122 :  
Application No. 08/046,335 :  
Filed: April 12, 1993 :  
Issued: November 14, 1995 :  
Attorney Docket No. xAA-05 :

ON PETITION

This is a decision on the petition under 37 CFR 1.378(c), filed March 15, 2004, to accept the delayed payment of a maintenance fee for the above-identified patent.

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration under 37 CFR 1.378(e) must be filed within TWO (2) MONTHS from the mail date of this decision. No extension of this two-month time limit can be granted under 37 CFR 1.136(a) or (b). This is not final agency action within the meaning of 5 U.S.C. § 704.

A petition to accept the unintentionally delayed payment of a maintenance fee under 35 U.S.C. § 41(c) and 37 CFR 1.378(c) must be accompanied by: (1) a statement that the delay was unintentional; (2) payment of the appropriate maintenance fee, unless previously submitted; (3) payment of the surcharge set forth in 37 CFR 1.20(i)(2).

This petition lacks items (2) and (3) above. The funds were attempted to be collected from petitioner's deposit account, No. 12-1639 numerous times, but there was never sufficient funds. As of July 2005, the account is listed as having a negative balance. Accordingly, to reinstate the above-identified application, petitioner must supply the maintenance fee and the \$1640.00 surcharge.

**Any petition for reconsideration of this decision must be accompanied by the petition fee of \$130 as set forth in 37 CFR 1.17(h).** The petition for reconsideration must include the lacking item(s) noted above, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Commissioner.

Petitioner should note that if this petition is not renewed, or if renewed and not granted, then the maintenance fees and post expiration surcharge are refundable. Petitioner may request a refund of the fees submitted on March 17, 2004. Please send all requests for refunds to the following address:

Patent No. 5,467,122

Page 2

Mail Stop 16  
Director of the US Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

A copy of this decision should accompany petitioner's request.

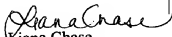
Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS  
Commissioner for Patents  
Post Office Box 1450  
Alexandria, VA 22313-1450

By hand: Customer Window located at:  
U.S. Patent and Trademark Office  
Customer Service Window Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

By fax: (571) 273-8300  
ATTN: Office of Petitions

Any questions concerning this matter may be directed to the undersigned at (571) 272-3206.

  
Yiana Chase  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

\*\* F

xAA -05	OCEAN-VOL. LIDAR	4th-year maint. fee	08/046,335	11/14/99 n 553 5,467,122 11/14/95 filed 04/12/93
xAA -05	OCEAN-VOL. LIDAR	maint. 11/14 FLAG!	08/046,335	10/15/99 n 554 5,467,122 11/14/95 filed 04/12/93
xAA -05	OCEAN-VOL. LIDAR	8th-yr. maint. fee	08/046,335	11/14/03 n 555 5,467,122 11/14/95 filed 04/12/93
xAA -05	OCEAN-VOL. LIDAR	maint. 11/14 FLAG!	08/046,335	10/19/03 n 556 5,467,122 11/14/95 filed 04/12/93
xAA -05	OCEAN-VOL. LIDAR	12th-yr. maint. fee	08/046,335	11/14/07 n 557 5,467,122 11/14/95 filed 04/12/93
xAA -05	OCEAN-VOL. LIDAR	maint. 11/14 FLAG!	08/046,335	10/15/07 n 558 5,467,122 11/14/95 filed 04/12/93
xAA -05	OCEAN-VOL. LIDAR	3.5-yr. maint. fee	08/046,335	05/14/99 n 559 5,467,122 11/14/95 filed 04/12/93
xAA -05	OCEAN-VOL. LIDAR	maint. 05/14 FLAG!	08/046,335	04/14/99 n 560 5,467,122 11/14/95 filed 04/12/93
xAA -05	OCEAN-VOL. LIDAR	7.5-yr. maint. fee	08/046,335	05/14/03 n 561 5,467,122 11/14/95 filed 04/12/93
xAA -05	OCEAN-VOL. LIDAR	maint. 05/14 FLAG!	08/046,335	04/16/03 n 562 5,467,122 11/14/95 filed 04/12/93
xAA -05	OCEAN-VOL. LIDAR	11.5-yr. maint. fee	08/046,335	05/14/07 n 563 5,467,122 11/14/95 filed 04/12/93
xAA -05	OCEAN-VOL. LIDAR	maint. 05/14 FLAG!	08/046,335	04/14/07 n 564 5,467,122 11/14/95 filed 04/12/93

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patentees: J. Kent Bowker and  
Stephen C. Lubard

Patent No.: 5,467,122

Filed: April 12, 1993

For: "UNDERWATER IMAGING IN REAL  
TIME USING SUBSTANTIALLY DI-  
RECT DEPTH-TO-DISPLAY-HEIGHT  
LIDAR STREAK MAPPING"

Our docket: xAA-05

Office of  
Petitions

DECLARATION OF HOLLY B. AGUILERA

Hon. Commissioner for Patents  
P. O. Box 1450  
Alexandria VA 22313-1450

Sir:

I, HOLLY B. AGUILERA, declare as follows.

1. I was employed by Patent Attorney Peter Lippman as an office clerk in his Montrose, California private-lawfirm patent-law office for a few months in 1993 (at that time as

assistant clerk), and later again for nearly eight years — from the fall of 1996 through June 16, 2004 when he left southern California to live in Reno, Nevada.

2. During most of my second employment with Mr. Lippman, I was his only employee; however, for about the last year and a half we had another employee who was assistant clerk, Miss Nichole Cecere.

3. During my employments, at first Mr. Lippman was associated with another patent lawyer, Mr. Robert Ashen. Later that relationship ended — and Mr. Lippman became a sole practitioner. From my viewpoint, however, there was very little difference between the two situations: the employment was with Mr. Lippman, and was continuous.

4. When I first started work for Mr. Lippman, I knew essentially nothing about patents. He trained me in all aspects of his private patent-lawfirm operations, and well before late 2003 (when the subject maintenance fee came due) I was able to perform essentially all the clerical functions of his office with minimal supervision. I found patent work interesting, and I enjoyed it — as I do now.

5. When Mr. Lippman left California, by virtue of the training he had provided I was easily able to find other employment in the field of patents. My first such position was with the patent department of Amgen Incorporated; I was successful there, but the commuting time was extreme, so after about one year I decided to take work closer to my home. My next position was with Precision Dynamics Corpo-

ration in San Fernando, California — and I held that job for two years, until early last month (May 2007) when I took an opportunity to join the patent department of the well-known Disney company.

6. My patent-prosecution skills in these positions have been found acceptable, and in the first two employments were rewarded with routine wage increases.

7. Of my own knowledge, it is particularly true that Mr. Lippman is careful, thorough and very patient in training employees. That is true not only for me but also for his participation in training a previously mentioned assistant clerk, who worked for Mr. Lippman part-time for a year and a half, partly under my supervision, during my employment with him.

8. I have read a May 22 draft of Mr. Lippman's "Petition to Accept Unavoidably Delayed Payment of Maintenance Fee in an Expired Patent", including the Exhibits. Based on the dates involved, many of the passages in that draft Petition are outside my direct experience; I cannot comment on them.

9. I agree with all of the portions dealing with me and my participation in the efforts to pay the 2003 maintenance fee for U. S. 5,467,122 — particularly the discussions in the "Additional Sheets" section 9, and the first parts of sections 10 and 11.

10. As the Petition states, it was I who drafted the November 2003 letter (Exhibit M of the present Petition) that

had a faulty mailing certification, and who also drafted the March 2004 letter (Exhibit N of the present Petition) that explained how the date came to be deleted from the mailing certification. Of my own knowledge, that explanation was completely true; and the discussion of it in the present Petition (section 9) is likewise true.

11. I remember feeling embarrassed for having deleted the date from the end of the mailing-certification paragraph, in the November 2003 coverletter. Nevertheless I do agree that overlooking the deletion was one of those "human errors" which does very occasionally occur, even despite great care to avoid them.

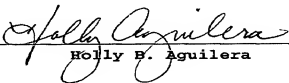
12. The reason for that, in my opinion, trying to look at the work very objectively, is that in every document going to the PTO there are many details of great importance, any single one of which can cause a document to misfire severely. Considering myself a professional in this field, I always do my best to check — and double check — each and every detail, and sooner or later a mistaken computer keystroke or two has a disproportionate effect and produces a disastrous result, which somehow is just not noticed. Computers are wonderful machines: they tremendously amplify our capabilities, but unfortunately also our errors.

13. When I made that error, having done such work for more than seven years I knew perfectly well that a mailing certification had to have a date in it. The reason I made that deletion was not that I wanted to remove the date, but

rather that I wanted to correct the address, and removed the date accidentally in the process.

All statements herein made of my own knowledge are true; all statements made on information and belief I believe to be true. I understand that willful false statements and the like herein are punishable by fine or imprisonment, or both (18 U.S.C. 1001) and may jeopardize the validity of the subject patent.

June 5, 2007  
date

  
\_\_\_\_\_  
Holly B. Aguilera



## CUSTOMER NUMBER 38637 RUN DATE: 06/09/04 CUSTOMER NUMBER ASSIGNMENTS TO PATENTS AND PENDING APPLICATIONS

PETER I. LIPPMAN  
4385 OCEAN VIEW BOULEVARD  
MONTROSE, CA 91020  
UNITED STATES

APPLICATION NUMBER	PATENT NUMBER	FILING DATE	PATENT DATE	CORRESPONDENCE ADDRESS	PRACTITIONER OF RECORD	PRIOR ADDRESS
08294241 ACCEPTED	5528493 PETER I. LIPPMAN	01/01/01	01/01/01	YES PRIOR CORRESPONDENCE ADDRESS		NO
08046335 ACCEPTED	5467122 FULBRIGHT AND JAWORSKI L L P	01/01/01	01/01/01	YES PRIOR CORRESPONDENCE ADDRESS		NO
08556716 ACCEPTED	6400396 PETER I. LIPPMAN	01/01/01	01/01/01	YES PRIOR CORRESPONDENCE ADDRESS		NO
10010936 ACCEPTED	6577134 PETER I. LIPPMAN	01/01/01	01/01/01	YES PRIOR CORRESPONDENCE ADDRESS		NO
10013320 ACCEPTED	PETER I. LIPPMAN	01/01/01	01/01/01	YES PRIOR CORRESPONDENCE ADDRESS		NO
10265278 ACCEPTED	ASHEN & LIPPMAN	01/01/01	01/01/01	YES PRIOR CORRESPONDENCE ADDRESS		NO
60327760 ACCEPTED	PETER LIPPMAN	01/01/01	01/01/01	YES PRIOR CORRESPONDENCE ADDRESS		NO
60327759 ACCEPTED	PETER LIPPMAN	01/01/01	01/01/01	YES PRIOR CORRESPONDENCE ADDRESS		NO
10426907 ACCEPTED	Peter I. Lippman	01/01/01	01/01/01	YES PRIOR CORRESPONDENCE ADDRESS		NO
60377323 ACCEPTED	PETER LIPPMAN	01/01/01	01/01/01	YES PRIOR CORRESPONDENCE ADDRESS		NO
60388932 ACCEPTED	PETER LIPPMAN	01/01/01	01/01/01	YES PRIOR CORRESPONDENCE ADDRESS		NO
60433301 ACCEPTED	PETER LIPPMAN	01/01/01	01/01/01	YES PRIOR CORRESPONDENCE ADDRESS		NO
09100526 ACCEPTED	6692696 PETER I. LIPPMAN	01/01/01	01/01/01	YES PRIOR CORRESPONDENCE ADDRESS		NO

## Request for Customer Number Data Change

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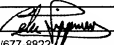
<b>Firm or Individual Name</b>	Peter I. Lippman				
<b>Address</b>	17900 Mockingbird Drive				
<b>City</b>	Reno	<b>State</b>	NV	<b>Zip</b>	89506
<b>Country</b>	USA				
<b>Telephone</b>	775/677-8822	<b>Fax</b>	775/677-8823		

☐ Please delete the following practitioner registration number(s) from the Customer Number indicated above:


☐ Please add the following practitioner registration number(s) from the Customer Number above:


☐ Additional practitioner registration numbers are listed on supplemental sheet(s) attached hereto (PTO/SB/124B or equivalent)

**Request Submitted by:** (must be a person, e.g. registered practitioner, associated with the customer number shown above)

<b>Firm Name (if applicable)</b>	Law Office of Peter Lippman		
<b>Name of Person Submitting request</b>	Peter Lippman		
<b>Signature</b>		<b>Registration No.</b>	22835
<b>Telephone Number</b>	775/677-8822	<b>Date</b>	July 10, 2004

This collection of information is required by 37 CFR 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop EBC, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

*If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option.*

# Exhibit F



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
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Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NUMBER	PATENT NUMBER	GROUP ART UNIT	FILE WRAPPER LOCATION
08/046,335	5467122	2615	47LC

**Change of Address/Power of Attorney**

The following fields have been set to Customer Number 38637 on

- Correspondence Address

The address of record for Customer Number 38637 is:

PETER I. LIPPMAN  
17900 MOCKINGBIRD LANE  
RENO, NV 89506

The Practitioners of record for Customer Number 38637 are:

**Petitions Office please note:  
This document came from PAIR,  
where it is shown with a date of  
December 14, 2004.**

**PTO INSTRUCTIONS:**

Please take the following action when the correspondence address has been changed to a customer number:

- 1) Add 'ADDRESS CHANGE TO CUSTOMER NUMBER' on the next available content line of the File Jacket.
- 2) Put a line through the old address on the File Jacket and enter the Customer Number as the new address.
- 3) File this Notice in the File Jacket.

Please take the following action when the correspondence address has NOT been changed:

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**application serial and title for subject patent**

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Customer...

<b>Patent Essentials</b> <input type="checkbox"/> Electronic Filing <input type="checkbox"/> Patent Application Information (PAFI) <input type="checkbox"/> Patent Combinations <input type="checkbox"/> Laws <input type="checkbox"/> Supplemental Resources & Related	<b>Secret</b> <b>Print Application Information</b> <b>Retrieve</b> <a href="#">XML Download</a> <a href="#">Order Certified Application As Filed</a> <a href="#">Order Certified File Wrapper</a> <a href="#">View Order List</a> <b>UNDERWATER IMAGING IN REAL TIME USING SUBSTANTIALLY DIRECT DEPTH-TO-DISPLAY HEIGHT LIDAR STREAM SUPPLYING</b> Select New Case    Applications By Customer    Creation History    Transactions Image File Valuator    Copyright Data    Fees    Publications    Address & Assignments This application is officially maintained in paper form. The document images below do NOT comprise the complete contents of the application file wrapper. To View: Click the desired Document Description. To download and Print: Check the desired option(s) and click Start Download. <b>Available Documents</b> Mail Room Date: 12-14-2004    Document Description: <a href="#">Change Of Address</a> Document Category: PROSECUTION    Page Count: 1    Select All    Start Download    Clear All If you need help: <ul style="list-style-type: none"> <li>Call the Patent Electronic Business Center at (866) 217-9197 (toll free) or e-mail <a href="mailto:EBC@uspto.gov">EBC@uspto.gov</a> for specific questions about Patent Application Information Retrieval (PAIR).</li> <li>See general questions about USPTO programs to the <a href="#">USPTO Contact Center</a>.</li> <li>If you experience technical difficulties or problems with this application, please report them via e-mail to <a href="#">Electronic Business Support</a> or call 1 800 765-9199.</li> </ul>
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Patent Information  
 Patent Questions and General Info  
 Patents, Cases & Records  
 Employees & Offices Directory  
 Businesses & Public Inquiries  
 Patent Searches  
 Patent Office & Services  
 Search Results & Submissions  
 Status & Renewal Information  
 Contacts, Events & Notices  
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 Submissions  
 E-Patent  
 Policy & Law  
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You can suggest USPTO webpage or material you would like featured on this section by e-mail to the [modernstat@uspto.gov](mailto:modernstat@uspto.gov). While we cannot promise to accommodate all requests, your suggestions will be considered and may lead to other improvements on the website.

**"Mail Room Date" for "Change of Address"**

PATENT,  
TRADEMARK, COPYRIGHT,  
& TRADE-SECRET LAW

LAW OFFICE OF  
PETER I. LIPPMAN  
17900 MOCKINGBIRD DRIVE  
RENO, NEVADA 89506

TELEPHONE 775/677-8822  
FACSIMILE 775/677-8823  
EMAIL PL@A-L.COM

May 21, 2007

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Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

By FAX only  
571/273-0177

**Please acknowledge!**

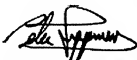
RE: Request for Customer Number Data Change

Hon. Commissioner,

Please find on the following page a Request for Customer  
Number Data Change.

Please notice that the corrected address is Mockingbird  
DRIVE, NOT "Lane".

Respectfully submitted,



PETER I. LIPPMAN  
Registration No. 22,835

17900 Mockingbird Drive  
Reno, Nevada 89506

May 21, 2007

TELEPHONE:  
775/677-8822

**Exhibit H -- page 1 of 2**

## Request for Customer Number Data Change

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To the Commissioner for Patents:

38637

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
<b>Firm or Individual Name</b>	Peter I. Lippman				
<b>Address</b>	17900 Mockingbird Drive				
<b>City</b>	Reno	<b>State</b>	NV	<b>Zip</b>	89506
<b>Country</b>	USA				
<b>Telephone</b>	775/677-8822	<b>Email</b>	PL@A-L.com		

☐ Please delete the following practitioner registration number(s) from the Customer Number indicated above:


☐ Please add the following practitioner registration number(s) from the Customer Number above:


☐ Additional practitioner registration numbers are listed on supplemental sheet(s) attached hereto (PTO/SB/124B or equivalent)

**Request Submitted by:** (must be a person, e.g. registered practitioner, associated with the customer number shown above)

<b>Firm Name (if applicable)</b>	Law Office of Peter Lippman		
<b>Signature</b>			
<b>Name of Person Submitting request</b>	Peter I. Lippman	<b>Registration No</b>	22835
<b>Telephone Number</b>	775/677-8822	<b>Date</b>	May 21, 2007

This collection of information is required by 37 CFR 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop EBC, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option.



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
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Page 1 of 1

a13  
file away

APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY-DOCKET NO./TITLE
10/013,320		Guy J. Farruggia	xAA-13

CONFIRMATION NO. 4255

## WITHDRAWAL NOTICE



\*OC000000013479244\*

38637  
PETER I. LIPPMAN  
17900 MOCKINGBIRD LANE  
RENO, NV 89506

Date Mailed: 08/09/2004

## WITHDRAWAL OF PREVIOUSLY SENT NOTICE

The Notice of Abandonment mailed on 01/28/2004 was sent in error and is hereby withdrawn. A Filing Receipt is enclosed. The Office regrets any inconvenience the error may have caused.

CALENDAR  
Follow up  
8/1/5

A copy of this notice **MUST** be returned with the reply.

  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

**Exhibit I -- page 1 of 2**



# UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOK KET NO.	CONFIRMATION NO.
10/306,899	11/26/2002	Gary R. Harmon	xAA-76	8447
38637	7590	09/29/2004	EXAMINER	
ANGEBRANDT, MARTIN J				
ART UNIT			PAPER NUMBER	
1756				

DATE MAILED: 09/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

OCT 05 2004  
P.I. LIPPMAN



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patentees: J. Kent Bowker and  
Stephen C. Lubard

Patent No.: 5,467,122

Filed: April 12, 1993

For: "UNDERWATER IMAGING IN REAL  
TIME USING SUBSTANTIALLY DI-  
RECT DEPTH-TO-DISPLAY-HEIGHT  
LIDAR STREAK MAPPING"

Our docket: xAA-05

Office of  
Petitions

DECLARATION OF JOHN W. McLEAN, Ph. D.

Hon. Commissioner for Patents  
P. O. Box 1450  
Alexandria VA 22313-1450

Sir:

I, JOHN W. McLEAN, declare as follows.

1. I am the president and chief executive officer of Areté Associates, a company which is the assignee of the entire interest of the patent identified above.
2. I hold a doctorate from the California Institute of Technology and have over 25 years of experience in developing new concepts, performing research, and managing the integration and delivery of optical/mathematical systems for the Department of Defense.

3. Also I am a coPetitioner in this matter. My participation in the Petition is primarily due to the very great importance of this matter to Areté Associates.

4. The e-mail correspondence in Exhibit K of the accompanying Petition) appears to me, of my own knowledge, to be a true and correct copy of my actual 2003 correspondence with Mr. Lippman's office clerk, Mrs. Aguilera.

5. As I stated in that 2003 correspondence — which I went out of my way to copy to our chief financial officer, Jim King — and as I have reiterated in paragraph 2 above, this patent is a very important one to our company, Areté Associates.

6. Of course I understand that the patent cannot be reinstated merely because it is important to our company. Therefore I have reviewed the entire Petition and all its Exhibits with very great care.

7. Based upon that review, I have satisfied myself that all the delay in paying the eighth-year maintenance fee was in fact unavoidable, within the confidence level for "prudent and careful men in relation to their most important business". I notice in the quotation from the Matulla decision — in Section 10 of the "Additional Sheets" of the Petition — that this is the standard of review to be applied here. I am very well equipped to evaluate the facts of this case under that standard, because I am a prudent and careful man, and this matter is part of my most important business.

8. I have been acquainted with Patent Attorney Peter Lippman for more than eight years, going back to the period before my present position with Areté. In 1999 he prepared a patent application in which I was a coinventor, and which eventuated into U. S. 6,836,285.

9. In that project and since then, we have not always agreed on every detail of our professional relations. Nevertheless I have been impressed by his intelligent devotion to optimizing Areté's patent coverage — and also with his forthrightness and promptness in keeping me informed of developments, including those which might seem to cast him in a bad light. For example, he informed me of the present maintenance-fee situation immediately upon having learned about it in March.

10. I was and, still am, very upset to learn that the maintenance fee for the subject patent 5,467,122 has not been successfully paid. Before obtaining a copy of the 2005 Dismissal document, Mr. Lippman at first suggested to me that possibly he might, somehow, have contributed to that lack of success in making the payment.

11. I was gratified to see that his internal docket records (Exhibit A of the Petition) substantiate his belief that he never received the Dismissal.

12. I was still more gratified to learn that the PTO addressed the Dismissal (Exhibit B), on its face, to his former address —

- more than a year after the PTO received a proper address-change notice (Exhibit F) from Mr. Lippman, and
- eleven months after the PTO began sending mail directly to Mr. Lippman's new address (Exhibit I),
- even six months after the PTO officially confirmed his new address (Exhibit G), and
- about a month after expiration of the postal forwarding order that Mr. Lippman submitted to the United States Postal Service (section 7 of the "Additional Sheets" in the Petition).

13. In the aggregate, these facts would seem to make it all but certain that he never received the Dismissal.

14. I have also studied with great interest section 11 of the "Additional Sheets" — taking up Mr. Janoski's suggestion that Mr. Lippman should have followed-up the 2004 Petition. It happens that Areté does a very large fraction of its business with the United States Government, and I am comfortable to say: (1) the PTO's protracted processing of the 2004 Petition is wholly understandable, and (2) I concur that persistent follow-up would have aggravated the overall situation. These have been difficult times.

15. Although of course I know very, very little about the internal processes of the PTO, as a matter of objective fact I do know a lot about the procedures followed by "prudent and careful men in relation to their most important business". Based upon that standard, the facts noted in my paragraphs 11 through 14, just above, lead me to believe


that Mr. Lippman made no significant contribution to that part of the delay which followed mailing of the 2005 Dismissal document.

16. As to the delay occasioned before that mailing, I have thoughtfully considered the actions and efforts of both Mr. Lippman and his clerk, Mrs. Aguilera — as represented in the "Additional Sheets", sections 6, 7, 9, 10 and 11 (and also in Exhibit D, and Exhibits K through O).

17. Based upon those pieces of information I believe that the causes of that earlier delay, too, satisfy that same standard — especially in that those causes conform to the human-error criterion articulated in Matulla. I see that the efforts of Mr. Lippman and Mrs. Aguilera — even though in certain regards obviously imperfect — are within the expectations of a careful and prudent businessperson such as I am.

All statements herein made of my own knowledge are true; all statements made on information and belief I believe to be true. I understand that willful false statements and the like herein are punishable by fine or imprisonment, or both (18 U.S.C. 1001) and may jeopardize the validity of the subject patent.

June 4, 2007  
date



John W. McLean, Ph. D.  
President and CEO  
Areté Associates



SUBJECT:  
DATE:  
FROM:

RE: Arete's application on Ocean-Volume Lidar (our docket xAA-05)  
Thu, 30 Oct 2003 10:19:18 -0800  
HBA@sbcbglobal.net

Okay, we will take care of it before the deadline.

Thank you,  
Holly

-----  
From: "McLean, John" <jmclean@arete-az.com>  
Subject: RE: Arete's application on Ocean-Volume Lidar (our docket xAA-05)  
Date: Wed, 29 Oct 2003 08:11:30 -0700  
To: Holly B Aguilera <HBA@sbcbglobal.net>  
Cc: "King, Jim" <king@arete.com>

> Hello Holly,  
>  
> please proceed and pay the maintenance fee. This is a very important patent for Arete.

> Cheers,

> J.

> -----Original Message-----

> From: Holly B Aguilera [mailto:HBA@sbcbglobal.net]  
> Sent: Monday, October 27, 2003 3:00 PM  
> To: McLean, John; PL@A-L.com  
> Subject: Arete's application on Ocean-Volume Lidar (our docket xAA-05)

> Dear Dr. McLean:

> There is a deadline coming up in a few weeks for payment  
> of the 8th year maintenance fee for Arete's patent  
> 5,467,122 on the Ocean-Volume Lidar. The fee amount  
> is \$1,090 and is due November 14. No extensions are  
> available, and if payment is not made the patent will  
> lapse.

> Once payment is made, one additional maintenance fee  
> will be due on this patent in another 4 years and will  
> be considerably larger.

> Please let us have your authorization to proceed with  
> payment of this maintenance fee.

> Cordially,  
> Holly Aguilera

> -----End of Original Message-----

Holly B. Aguilera

Date: 10/30/03

Time: 10:19:18

Ashen Lippman  
4385 Ocean View Blvd.  
Montrose, CA 91020

818/249-5961 voice  
818/249-8384 faxes.

e-mail: HBA@sbcbglobal.net

**Exhibit K**



PATENT, TRADEMARK, COPYRIGHT,  
UNFAIR COMPETITION, TRADE-SECRET,  
COMPUTER & HIGH-TECHNOLOGY LAW

LAW OFFICES OF  
**ASHEN & LIPPMAN**  
4385 OCEAN VIEW BOULEVARD  
MONTROSE, CALIFORNIA 91020

TELEPHONE 818/249-5961  
FACSIMILE 818/249-8384  
EMAIL P@A-L.COM

May 13, 1999

Commissioner of Patents  
and Trademarks  
Washington DC 20231

RE: U. S. utility-patent 5,467,122  
issued November 14, 1995  
from serial 46,335 -- filed April 12, 1993  
of Kent Bowker et al.  
for: "UNDERWATER IMAGING IN REAL TIME, USING  
SUBSTANTIALLY DIRECT DEPTH-TO-DISPLAY-HEIGHT  
LIDAR STREAK MAPPING"  
our docket xAA-05

Dear Sir:

Enclosed for filing in this case please find:

- our check for \$470, to be applied as indicated below
- acknowledgement card for date-stamping and return.

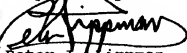
\$ 470 to be applied to the 3.5 year maintenance fee

Please note: no maintenance fee reminder was received for  
this patent.

In event any deficiency in fees should become due, or any refund  
accrues, you are hereby authorized to proceed, without specific  
authorization, to charge such fee deficiency or credit such refund  
to our deposit account 12-1639.

I HEREBY CERTIFY that this correspondence is being  
deposited as first-class mail in an envelope addressed  
to the Commissioner of Patents and Trademarks, Washing-  
ton DC 20231, on or before MAY 13, 1999.

Respectfully submitted,



Peter I. Lippman  
Reg. No. 22,835

**Exhibit L**

PATENT, TRADEMARK, COPYRIGHT,  
UNFAIR COMPETITION, TRADE-SECRET,  
COMPUTER & HIGH-TECHNOLOGY LAW

LAW OFFICE OF  
PETER I. LIPPMAN  
4385 OCEAN VIEW BOULEVARD  
MONTROSE, CALIFORNIA 91020

TELEPHONE 818/249-5961  
FACSIMILE 818/249-8384  
EMAIL P@A-L.COM

November 6, 2003

United States Patent  
and Trademarks Office  
PO Box 371611  
Pittsburgh, PA 15250-1611

RE: U. S. utility-patent 5,467,122  
issued November 14, 1995  
from serial 463,35 -- filed April 12, 1993  
of J. Kent Bowker et al.  
for: "UNDERWATER IMAGING IN REAL TIME USING  
SUBSTANTIALLY DIRECT DEPTH-TO-DISPLAY-HEIGHT  
LIDAR STREAK MAPPING"  
our docket xAA-05

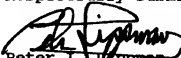
Dear Sir:

Please debit the amount of \$1,090 for the 8 year maintenance fee from our deposit account 12-1639. Enclosed is an acknowledgement card for date-stamping and return. Please note that no maintenance fee notice was received for this case.

In the event that any deficiency in fees becomes due, or any refund accrues, you are hereby authorized to proceed, without prosecution of this application, you are hereby authorized specific authorization, to charge such fee or credit such refund to our deposit account 12-1639. A duplicate copy of this letter is enclosed.

I HEREBY CERTIFY that this correspondence is being deposited as first-class mail in an envelope addressed to the United States Patent and Trademark Office, P.O. Box 371611, Pittsburgh, PA 15250-1611.

Respectfully submitted,

  
Peter I. Lippman  
Reg. No. 62,835

**Exhibit M**





RECEIVED

JUN 15 2007

OFFICE OF PETITIONS

PTO/SB/R6 (11-03)  
Approved for use through 05/31/2006. OMB 0651-0016  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF  
MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))**

Docket Number (Optional)

xAA-05

Mail to: Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Fax: (703) 872-9306

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-8282.

Patent No. 5,467,122 Application Number 08/046,335

Issue Date November 14, 1995 Filing Date April 12, 1993

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number (or reissue patent number, if a reissue) and (2) the application number of the actual U.S. application (or reissue application) leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

**Also complete the following information, if applicable**

The above - identified patent:

- ☐ is a reissue of original Patent No. \_\_\_\_\_, original issue date \_\_\_\_\_,  
original application number \_\_\_\_\_,  
original filing date \_\_\_\_\_.
- ☐ resulted from the entry into the U.S. under 35 U.S.C. 371 of international  
application \_\_\_\_\_ filed on \_\_\_\_\_.

**CERTIFICATE OF MAILING (37 CFR 1.8(a))**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

March 2, 2004  
Date

PETER I. LIPPMAN

Typed or printed name of person signing Certificate

[Page 1 of 3]

This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**Exhibit N -- page 1 of 3**

JUN 15 2007

## OFFICE OF PETITIONS

PTO/SB/66 (11-03)

Approved for use through 05/31/2006. OMB 0651-0016

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## 1. SMALL ENTITY

☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

## 2. LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g).

## 3. MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition, unless it was paid earlier.

NOT Small Entity			Small Entity		
Amount	Fee	(Code)	Amount	Fee	(Code)
<input type="checkbox"/> \$ _____	3 1/2 yr fee	(1551)	<input type="checkbox"/> \$ _____	3 1/2 yr fee	(2551)
<input type="checkbox"/> \$ _____	7 1/2 yr fee	(1552)	<input checked="" type="checkbox"/> \$ 1,025	7 1/2 yr fee	(2552)
<input type="checkbox"/> \$ _____	11 1/2 yr fee	(1553)	<input type="checkbox"/> \$ _____	11 1/2 yr fee	(2553)

MAINTENANCE FEE BEING SUBMITTED \$ 1,025

## 4. SURCHARGE

The surcharge required by 37 CFR 1.20(l)(2) of \$ 65 (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

SURCHARGE BEING SUBMITTED \$ 65

## 5. MANNER OF PAYMENT

☐ Enclosed is a check for the sum of \$ \_\_\_\_\_.☒ Please charge Deposit Account No. 12-1639 the sum of \$ 1,090. A duplicate copy of this authorization is attached.☐ Payment by credit card. Form PTO-2038 is attached.

## 6. AUTHORIZATION TO CHARGE ANY FEE DEFICIENCY

☒ The Director is hereby authorized to charge any maintenance fee, surcharge or petition deficiency to Deposit Account No. 12-1639. A duplicate copy of this authorization is attached.



RECEIVED

JUN 15 2007

OFFICE OF PETITIONS

PTO/SB/R6 (11-03)

Approved for use through 05/31/2008. OMB 0651-0016

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

## 7. OVERPAYMENT

As to any overpayment made please

- ☒ Credit to Deposit Account No. 12-1639
- OR ☐ Send refund check.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

## 8. STATEMENT

The delay in payment of the maintenance fee to this patent was unintentional.

## 9. PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED.

March 2, 2004  
Date

818/248-5961  
Telephone Number

22,835  
Registration Number, if applicable

  
Signature(s) of Petitioner(s)

Peter I. Lippman  
Typed or printed name(s)

4385 Ocean View Blvd.  
Address

Montrose, California 91020  
Address

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

## ENCLOSURES:

- ☒ Maintenance Fee payment
- ☒ Surcharge under 37 CFR 1.20(i)(2) (fee for filing the maintenance fee petition)
- ☐ \_\_\_\_\_



PATENT, TRADEMARK, COPYRIGHT,  
UNFAIR COMPETITION, TRADE-SECRET  
COMPUTER & HIGH-TECHNOLOGY LAW

LAW OFFICE OF  
PETER I. LIPPMAN  
4385 OCEAN VIEW BOULEVARD  
MONTROSE, CALIFORNIA 91020

TELEPHONE 818/249-5961  
FACSIMILE 818/249-8384  
EMAIL P@A-L.COM

March 2, 2004

Mail Stop Petition  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

RECEIVED

JUN 15 2007

OFFICE OF PETITIONS

re: U. S. utility-patent 5,467,122, issued November 14, 1995  
from serial 08/046,335, filed April 12, 1993  
of J. Kent Bowker *et al.*  
for: "UNDERWATER IMAGING IN REAL TIME USING SUBSTANTIALLY  
DIRECT DEPTH-TO-DISPLAY-HEIGHT LIDAR STREAK MAPPING"  
our xAA-05

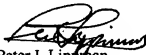
Dear Sir:

Enclosed for filing please find a Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent, along with a copy of our previously filed cover letter used in attempting to timely file the 7 ½ year maintenance fee plus six-month surcharge.

As you can see from the copy of our previously submitted cover letter, we in good faith believed we were timely submitting the necessary maintenance fee and surcharge, however in adjusting the mailing certification in the last paragraph to show the new PTO mailing address, we inadvertently deleted the mailing date so it was not accepted as a Rule 8 certificate of mailing.

Please debit the necessary fee for this petition from our deposit account 12-1639.

Respectfully submitted,

  
Peter I. Lippman  
Reg. No. 22,835

Encl: petition of 3 pages  
copy of previously submitted coverletter

**Exhibit O**